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Adjourned Sine Die June 30, 1991



Joseph E. King, Speaker
John L. O'Brien, Speaker Pro Tempore
Alan Thompson, Chief Clerk
Dennis Karras, Deputy Chief Clerk
Patsy Ellis, Minute/Journal Clerk

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Compiled, Edited and Indexed by
Alan Thompson, Chief Clerk
Patsy Ellis, Minute/Journal Clerk

NINETY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 19, 1991

The House was called to order at 9:30 a.m by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Locke and Scott. On motion of Ms. Cole, Representatives Basich, Locke and Scott were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Eric Crawford and Shelley Schultze. Prayer was offered by The Reverend Joan Anthony, Minister of St. John's Episcopal Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

April 18, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1228,
HOUSE BILL NO. 1527,
SUBSTITUTE HOUSE BILL NO. 1635,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729,
HOUSE BILL NO. 2059,
HOUSE JOINT MEMORIAL NO. 4016,
HOUSE JOINT RESOLUTION NO. 4216,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4221,
ENGROSSED SENATE BILL NO. 5906,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4673, by Representatives Betrozoff, Ferguson, Van Luven, Belcher and Prince

WHEREAS, The Washington State Games among amateur athletes of all ages is one of the most exciting and valuable legacies of the State's Centennial celebration in 1989; and

WHEREAS, The 1989 Summer Games were held in Spokane, Washington, and the Winter Games were held in Wenatchee-Leavenworth-Chelan, Washington; and

WHEREAS, The 1991 Washington State Summer Games will take place in the cities of Bellevue, Redmond, and Kirkland, Washington; and

WHEREAS, The Washington State Games Foundation is carrying on the idea of amateur games that are promoted and carried out by volunteers, and with all-amateur participants; and

WHEREAS, The games are designed to allow for participants of all ages, and include events that allow for the participation of handicapped persons; and

WHEREAS, The participants in the past Washington State Games exhibited the highest level of sportsmanship and athletic ability, and this summer's games promise to provide even more excitement; and

WHEREAS, The Foundation Board is composed of all-volunteer members, including Dolly Armstrong, its President for the past two years, who has worked tirelessly at keeping the spirit of the Games alive, and is one of the many people responsible for bringing the games to fruition;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives support the Washington State Games and recognize and honor the Washington State Games Foundation for all of its success in staging these outstanding events; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Board of Directors of the Washington State Games Foundation.

Mr. Betrozoff moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4673 was adopted.

HOUSE RESOLUTION NO. 91-4674, by Representatives Jacobsen, Wood, Ogden, Van Luven, Sheldon, Ludwig, Basich, Spanel, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, G. Fisher, R. Fisher, Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, P. Johnson, R. Johnson, Jones, J. King, R. King, Kremen, Leonard, Lisk, Locke, May, McLean, R. Meyers, Mielke, Miller, Mitchell, Morris, Morton, Moyer, H. Myers, Nealey, Neher, Nelson, O'Brien, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust,

Schmidt, Scott, Silver, D. Sommers, H. Sommers, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky and Anderson

WHEREAS, In 1981 the Washington State Legislature created the Washington Scholars Program to honor outstanding seniors from high schools in this state; and

WHEREAS, Three students are selected from each of the state's forty-nine legislative districts for their exceptional academic achievements, leadership abilities and contributions to their communities; and

WHEREAS, The students selected for special recognition as Washington Scholars in 1991 have distinguished themselves as student leaders and also through their enthusiastic and energetic participation in diverse activities including music, drama, debate, art, sports, Junior Achievement, and knowledge competitions; and

WHEREAS, These distinguished students have also contributed to the welfare of those less fortunate in their communities through volunteer efforts with organizations such as the Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, and church groups; and

WHEREAS, The State of Washington benefits from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honors and congratulates the Washington Scholars for their hard work, dedication, and maturity in achieving this noteworthy accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for their encouragement and support; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to all of the Washington Scholars selected in 1991.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen, Miller, Mielke, Neher, Wood and Dorn spoke in favor of the resolution.

House Resolution No. 91-4674 was adopted.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

...

SENATE BILL NO. 5449, by Senators Sellar, Vognild and Bailey

Requiring notice of the appeals process to discharged educational employees.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 73rd Day, March 27, 1991.)

Mr. G. Fisher moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. G. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5449 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Basich, Locke, Scott - 03.

Senate Bill No. 5449 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5624, by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Craswell, Conner and Metcalf)

Protecting food fish resources by the department of fisheries.

The bill was read the second time. Committee on Fisheries & Wildlife recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, April 3, 1991.)

Mr. R. King moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King, Wilson and R. Meyers spoke in favor of passage of the bill, and Representatives Rust and Cole spoke against it. Mr. R. King again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5624 as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 5, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Sheldon, Silver, Sommers, D., Sommers, H., Sprenkle, Tate, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Belcher, Cole, Rust, Spanel, Valle - 05.

Excused: Representatives Basich, Locke, Scott - 03.

Engrossed Substitute Senate Bill No. 5624 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

Mr. Dorn moved that the House immediately consider the following bills on the regular second reading calendar in the following order: Senate Bill No. 5475, Substitute Senate Bill No. 5332 and Engrossed Substitute Senate Bill No. 5629. The motion was carried.

SENATE BILL NO. 5475, by Senators Bauer, Saling, Rinehart, Bailey and Murray

Authorizing honorary degrees.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

On motion of Mr. Jacobsen, the committee amendment was adopted.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen and Prince:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28B.10.802 and 1989 c 254 s 2 are each amended to read as follows:

As used in RCW 28B.10.800 through 28B.10.824:

(1) "Institutions of higher education" shall mean (1) any public university, college, community college, or vocational-technical institute operated by the state of Washington

or any political subdivision thereof or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid or (2) any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.10.822.

(2) The term "financial aid" shall mean loans and/or grants to needy students enrolled or accepted for enrollment as a student at institutions of higher education.

(3) The term "needy student" shall mean a post high school student of an institution of higher learning as defined in subsection (1) of this section who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) The term "disadvantaged student" shall mean a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher learning, who would otherwise qualify as a needy student, and who is attending an institution of higher learning under an established program designed to qualify the student for enrollment as a full time student.

(5) "Commission" or "board" shall mean the higher education coordinating board.

Sec. 2. RCW 28B.12.030 and 1974 ex.s. c 177 s 3 are each amended to read as follows:

As used in this chapter, the following words and terms shall have the following meanings, unless the context shall clearly indicate another or different meaning or intent:

(1) The term "needy student" shall mean a student enrolled or accepted for enrollment at a post-secondary institution who, according to a system of need analysis approved by the commission on higher education, demonstrates a financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "eligible institution" shall mean any post-secondary institution in this state accredited by the Northwest Association of Secondary and Higher Schools or any public vocational-technical school in the state or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

Sec. 3. RCW 28B.102.020 and 1987 c 437 s 2 are each amended to read as follows:

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

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders service as a teacher in the public schools of this state.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who is registered for at least ten credit hours or the equivalent, demonstrates achievement of at least a 3.30 grade point average for

students entering an institution of higher education directly from high school or maintains at least a 3.00 grade point average or the equivalent for each academic year in an institution of higher education, is a resident student as defined by RCW 28B.15.012 through 28B.15.015, and has a declared intention to complete an approved preparation program leading to initial teacher certification or required for earning an additional endorsement, or a college or university graduate who meets the same credit hour requirements and is seeking an additional teaching endorsement or initial teacher certification.

(5) "Public school" means an elementary school, a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render service as a teacher at a public school in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

(9) "Targeted ethnic minority" means a group of Americans with a common ethnic or racial heritage selected by the board for program consideration due to societal concerns such as high dropout rates or low rates of college participation by members of the group.

Sec. 4. RCW 28B.104.020 and 1989 1st ex.s. c 9 s 206 and 1989 c 115 s 1 are each reenacted and amended to read as follows:

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

(1) "Conditional scholarship" means a loan that is forgiven in whole or in part if the recipient renders nursing service as a nurse serving in a nurse shortage area, as defined by the state department of health.

(2) "Institution of higher education" or "institution" means a community college, vocational-technical school, college, or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(3) "Board" means the higher education coordinating board.

(4) "Eligible student" means a student who has been accepted into a program leading to eligibility for licensure as a licensed practical nurse, or to a program leading to an associate, baccalaureate, or higher degree in nursing or continues satisfactory progress within the program; and has a declared intention to serve in a nurse shortage area upon completion of the educational program.

(5) "Nurse shortage area" means those areas where nurses are in short supply as a result of geographic maldistribution; or specialty areas of nursing, such as geriatrics or critical care, where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The state department of health shall determine nurse shortage areas in the state guided by federal standards of "health manpower shortage areas."

(6) "Forgiven" or "to forgive" or "forgiveness" means to render nursing service in a nurse shortage area in the state of Washington in lieu of monetary repayment.

(7) "Satisfied" means paid-in-full.

(8) "Participant" means an eligible student who has received a conditional scholarship under this chapter.

Sec. 5. RCW 28B.108.010 and 1990 c 287 s 2 are each amended to read as follows:

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

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board or any tribally controlled college under P.L. 95-471 established by a Washington state Indian tribe and approved to administer federal title IV financial aid.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" or "student" means an American Indian (~~student as defined by the board in consultation with the advisory committee described in RCW 28B.108.030,~~) who is a financially needy student, as defined in RCW 28B.10.802, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

Sec. 6. RCW 28B.10.420 and 1979 c 14 s 1 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the regional universities or of The Evergreen State College, or the state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 as now or hereafter amended shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday if their seventieth birthday occurs on or before June 30, 1991. There shall be no mandatory retirement on condition of age for faculty or other designated employees after July 1, 1991.

(2) As provided in this subsection, the board of regents of a state university, the board of trustees of a regional university or The Evergreen State College, or the state board for community college education may reemploy any person who is "retired" pursuant to (~~subsection (1) of this section, who applies for reemployment and who has reached seventy years of age on or after July 1, 1970~~) this chapter. The following provisions shall govern such reemployment:

(a) (~~Prior to the reemployment, the board of regents, board of trustees, or state board shall have found that the person possesses outstanding qualifications which in the judgment of the board would permit the person to continue valuable service to the institution.~~

(b)) The period of reemployment shall not be counted as service under, or result in any eligibility for benefits or increased benefits under, any state authorized or supported annuity or retirement income plan. Reemployment shall not result in the reemployed person or employer making any contributions to any such plan.

(~~(c) No person may be reemployed on a full time basis if such person is receiving benefits under any state authorized or supported annuity or retirement income plan. The reemployment of any person on a full time basis shall be immediately terminated upon the person's obtaining of any such benefits.~~

(d)) (b) A person may be reemployed on a part time basis and receive or continue to receive any benefits for which such person is eligible under any state authorized or supported annuity or retirement income plan. Such part time work, however, shall not exceed forty percent of full time employment during any year.

(~~(e))~~ (c) A person reemployed pursuant to this section shall comply with all conditions of reemployment and all rules providing for the administration of this subsection which are prescribed or adopted by the board of regents, or board of trustees, or by the state board for community college education.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.10 RCW to read as follows:

By October 31, 1991, each institution of higher education as defined in RCW 28B.10.016 shall use an existing committee or convene a physical access committee to identify barriers to physical access on each of the institution's campuses. The committee

shall include, but is not limited to: One or more students with disabilities, one or more members of the faculty and staff with disabilities, the institution's coordinator of disabled student services, administrators, physical plant staff, and others as appropriate.

The committee shall present its findings and recommendations to the institution's administration. Beginning with the 1993-95 capital budget request, each institution shall incorporate into its capital budget process, efforts to substantially reduce and eventually eliminate physical barriers to access.

Sec. 8. RCW 28B.108.030 and 1990 c 287 s 4 are each amended to read as follows:

The higher education coordinating board shall establish an advisory committee to assist in program design and to develop criteria for the screening and selection of scholarship recipients. The committee shall be composed of representatives of the same groups as the screening committee described in RCW 28B.108.020. ~~((These))~~ The criteria shall assess the student's social and cultural ties to an American Indian community within the state. The criteria shall include a priority for upper-division or graduate students. The criteria may include a priority for students who are majoring in program areas in which expertise is needed by the state's American Indians.

Sec. 9. RCW 28B.108.050 and 1990 c 287 s 6 are each amended to read as follows:

The American Indian endowed scholarship trust fund is established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the fund. All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund. At the request of the higher education coordinating board, and when conditions set forth in RCW 28B.108.070 are met, the treasurer shall ~~((deposit))~~ transfer state matching moneys ~~((in))~~ and any earned interest from the trust fund ~~((into))~~ to the American Indian endowment fund. No appropriation is required for expenditures from the trust fund.

Sec. 10. RCW 28B.108.060 and 1990 c 287 s 7 are each amended to read as follows:

The American Indian scholarship endowment fund is established. The endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys and any earned interest, and funds received from any other source may be deposited into the endowment fund. All moneys deposited in the endowment fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the endowment fund shall be credited to the endowment fund. At the request of the higher education coordinating board, the treasurer shall release earnings from the endowment fund to the board for scholarships. No appropriation is required for expenditures from the endowment fund.

The principal of the endowment fund shall not be invaded. The earnings on the fund shall be used solely for the purposes set forth in RCW 28B.108.040.

Sec. 11. RCW 28B.108.070 and 1990 c 287 s 8 are each amended to read as follows:

The higher education coordinating board may request that the treasurer deposit ~~((five hundred))~~ fifty thousand dollars of state matching funds and any earned interest into the American Indian scholarship endowment fund when the board can match the state funds with an equal amount of private cash donations. Private cash donations means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION. Sec. 12. The higher education coordinating board shall establish an advisory committee on access to higher education for students with disabilities. The committee shall include but need not be limited to representation from the following: Students with disabilities, coordinators of services for students with disabilities, the governor's committee on disability issues and employment, and agencies and organizations that work with or represent persons with disabilities.

NEW SECTION. Sec. 13. In consultation with the advisory committee on access to higher education for students with disabilities the board shall:

(1) Inventory existing campus and agency resources available to address the accommodation needs of students with disabilities;

(2) Distribute the inventory to institutions of higher education and to the superintendent of public instruction for further distribution to appropriate personnel in the K-12 system;

(3) Survey institutions of higher education and students with disabilities to identify specific services that have been requested but not provided;

(4) Report the results of the survey, with recommendations on a phased plan to meet identified needs in priority order, to the governor, the house of representatives and senate higher education and fiscal committees, and the institutions of higher education;

(5) In coordination with the state board for community college education, conduct a state-wide training workshop for coordinators of services for students with disabilities.

NEW SECTION. Sec. 14. If specific funding for the purposes of sections 12 and 13 of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 12 and 13 of this act shall be null and void.

NEW SECTION. Sec. 15. Sections 12 and 13 of this act are each added to chapter 28B.80 RCW.

NEW SECTION. Sec. 16. Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Representatives Jacobsen and Wood spoke in favor of adoption of the amendment, and it was adopted.

MOTION

Mr. Dorn moved that the House defer consideration of Senate Bill No. 5475 and that the bill hold its place on the second reading calendar. The motion was carried.

Representatives Locke and Scott appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5332, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Wojahn, West, Niemi, L. Smith, Madsen, Rasmussen, Snyder, Gaspard, Moore and Bauer)

Providing residential care for disabled persons.

The bill was read the second time. Committee on Capital Facilities & Financing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Ms. H. Sommers moved adoption of the committee amendment.

Mr. Braddock moved adoption of the following amendment to the committee amendment:

On page 3, line 12, after "disabled." insert "If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community development for the housing assistance program under chapter 43.185 RCW."

Mr. Braddock spoke in favor of adoption of the amendment to the amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5332 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Basich - 01.

Substitute Senate Bill No. 5332 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, by Senators Bailey, Conner, Metcalf, Patterson, McCaslin, Hansen, Bauer, Anderson, Barr, Vognil, McMullen, Madsen, Rasmussen and Newhouse

Prohibiting unauthorized acts against animal facilities.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Ms. Rayburn moved adoption of the committee amendment.

Ms. Rayburn moved adoption of the following amendments by Representatives Rayburn and Anderson to the committee amendment:

On page 2 of the committee amendment, strike lines 19 through 23 and insert:

"(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection."

On page 3 of the committee amendment, strike lines 9 through 13 and insert:

"(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection."

On page 4 of the committee amendment, line 3, after "out" strike all material through "safety." on line 7 and insert: ", which is knowingly made for the purpose of stopping or modifying the use of animals, and which either (1) would cause injury to the person or property of the recipient, or result in the recipient's physical confinement or restraint, or (2) is a malicious threat to do any other act intended to substantially cause harm to the recipient's mental health or safety. In deciding a request for injunctive relief under this section, the court shall give full consideration to the constitutional rights of persons to speak freely, to picket, and to conduct other lawful protest activities."

Ms. Rayburn spoke in favor of adoption of the amendments, and they were adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn, Appelwick and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5629 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Brekke, Phillips, Pruitt, Wang - 05.

Excused: Representative Basich - 01.

Engrossed Substitute Senate Bill No. 5629 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Second Substitute Senate Bill No. 5591 on the regular second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5591, by Senate Committee on Ways & Means (originally sponsored by Senators Metcalf, Amondson, A. Smith and Roach)

Adopting comprehensive recycling programs.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Revenue recommendation: Majority, do pass as amended by Committee on Revenue (For committee amendments, see Journal, 85th Day, April 8, 1991.) and without amendments by Committee on Environmental Affairs.

Ms. Rust moved that the House do not adopt the committee amendment by Committee on Environmental Affairs. Ms. Rust spoke in favor of the motion, and it was carried.

Ms. Fraser moved adoption of the committee amendment by Committee on Revenue.

Ms. Rust moved adoption of the following amendments by Representatives Rust, Horn and D. Sommers to the committee amendment:

On page 11, line 4 of the amendment, strike "effectiveness of reducing" and insert "need to further reduce"

On page 11, line 10 of the amendment, after "act" strike all material through "act" on line 12.

Representatives Rust and Horn spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Rust moved adoption of the following amendment by Representatives Rust, Horn and D. Sommers to the committee amendment:

On page 13, line 1 of the amendment, after "house" strike all material through "January 1, 1992" on line 22 and insert "committee on environmental affairs appointed by the chair of that committee with one member from each of the two caucuses; (2) two members of the senate committee on environment and natural resources appointed by the chair of that committee with one member from each of the two caucuses; (3) seven members representing manufacturers, wholesalers, retailers, cities, counties, solid waste collection companies, and an environmental organization appointed jointly by the chairs of the house committee on environmental affairs and the senate committee on environment and natural resources; and (4) three members representing the departments of ecology, trade and economic development, and revenue appointed by their respective directors. The agency representatives shall be non-voting except for the election of the chair, which shall be made by a simple majority vote of all members.

The task force shall study long-term funding mechanisms and develop specific funding recommendations for the clean washington center. The task force shall report its findings and recommended legislation to fund the clean washington center to the appropriate standing committees of the legislature no later than December 1, 1991. The task force shall also study and make recommendations on long-term funding for integrated systems to reduce, collect, recycle, and dispose of materials.

This section shall expire January 1, 1993"

Representatives Rust and D. Sommers spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

On motion of Ms. Rust, the following amendment by Representatives Rust, Horn and D. Sommers to the committee amendment was adopted:

On page 15, line 14 of the amendment, after "services to" strike all material through "remanufacturing" on line 16, and insert "businesses that transform or remanufacture"

Ms Rust moved adoption of the following amendments by Representatives Rust, Horn and D. Sommers to the committee amendment:

On page 24, line 3 of the amendment, after "purchaser." insert ""Used oil" does not include used oil to which hazardous wastes have been added."

On page 32, after line 10 of the amendment, insert:

Sec. 313. RCW 70.95C.020 and 1990 c 114 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology or the director's designee.

(3) "Dangerous waste" shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW.

(4) "EPA/state identification number" means the number assigned by the EPA (environmental protection agency) or by the department of ecology to each generator and/or transporter and treatment, storage, and/or disposal facility.

(5) "Extremely hazardous waste" shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW.

(6) "Fee" means the annual hazardous waste fees imposed under RCW 70.95E.020 and 70.95E.030.

(7) "Generate" means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

(8) "Hazardous substance" means any hazardous substance listed as a hazardous substance as of March 21, 1990, pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act, any other substance determined by the director by rule to present a threat to human health or the environment, and all ozone depleting compounds as defined by the Montreal Protocol of October 1987.

(9) (a) "Hazardous substance use reduction" means the reduction, avoidance, or elimination of the use or production of hazardous substances without creating substantial new risks to human health or the environment.

(b) "Hazardous substance use reduction" includes proportionate changes in the usage of hazardous substances as the usage of a hazardous substance or hazardous substances changes as a result of production changes or other business changes.

(10) "Hazardous substance user" means any facility required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act, except for those facilities which only distribute or use fertilizers or pesticides intended for commercial agricultural applications.

(11) "Hazardous waste" means and includes all dangerous and extremely hazardous wastes, but does not include radioactive wastes or a substance composed of both radioactive and hazardous components and does not include any hazardous waste generated as a result of a remedial action under state or federal law.

(12) "Hazardous waste generator" means any person generating hazardous waste regulated by the department.

(13) "Office" means the office of waste reduction.

(14) "Plan" means the plan provided for in RCW 70.95C.200.

(15) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government, including any agency or officer thereof, and any Indian tribe or authorized tribal organization.

(16) "Process" means all industrial, commercial, production, and other processes that result in the generation of waste.

(17) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include: (a) Use constituting disposal; (b) incineration; or (c) use as a fuel.

(18) "Recycling" means reusing waste materials and extracting valuable materials from a waste stream. Recycling does not include burning for energy recovery.

(19) "Treatment" means the physical, chemical, or biological processing of waste to render it completely innocuous, produce a recyclable by-product, reduce toxicity, or substantially reduce the volume of material requiring disposal as described in the priorities established in RCW 70.105.150. Treatment does not include incineration.

(20) "Used oil" means: (a) Lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an

automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (b) any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and (c) any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser. "Used oil" does not include used oil to which hazardous wastes have been added.

(21) "Waste" means any solid waste as defined under RCW 70.95.030, any hazardous waste, any air contaminant as defined under RCW 70.94.030, and any organic or inorganic matter that shall cause or tend to cause water pollution as defined under RCW 90.48.020.

~~((21))~~ (22) "Waste generator" means any individual, business, government agency, or any other organization that generates waste.

~~((22))~~ (23) "Waste reduction" means all in-plant practices that reduce, avoid, or eliminate the generation of wastes or the toxicity of wastes, prior to generation, without creating substantial new risks to human health or the environment. As used in RCW 70.95C.200 through 70.95C.240, "waste reduction" refers to hazardous waste only.

Sec. 314. RCW 70.95C.200 and 1990 c 114 s 6 are each amended to read as follows:

(1) Each hazardous waste generator who generates more than two thousand six hundred forty pounds of hazardous waste per year and each hazardous substance user, except for those facilities that are primarily permitted treatment, storage, and disposal facilities or recycling facilities, shall prepare a plan for the voluntary reduction of the use of hazardous substances and the generation of hazardous wastes. Hazardous waste generated and recycled for beneficial use, including initial amount of hazardous substances introduced into a process and subsequently recycled for beneficial use, shall not be used in the calculation of hazardous waste generated for purposes of this section. Used oil to be rerefined or burned for energy or heat recovery shall not be used in the calculation of hazardous wastes generated for purposes of this section, and is not required to be addressed by plans prepared under this section. The department may develop reporting requirements, consistent with existing reporting, to establish recycling for beneficial use under this section. A person with multiple interrelated facilities where the processes in the facilities are substantially similar, may prepare a single plan covering one or more of those facilities.

(2) Each user or generator required to write a plan is encouraged to advise its employees of the planning process and solicit comments or suggestions from its employees on hazardous substance use and waste reduction options.

(3) The department shall adopt by April 1, 1991, rules for preparation of plans. The rules shall require the plan to address the following options, according to the following order of priorities: Hazardous substance use reduction, waste reduction, recycling, and treatment. In the planning process, first consideration shall be given to hazardous substance use reduction and waste reduction options. Consideration shall be given next to recycling options. Recycling options may be considered only after hazardous substance use reduction options and waste reduction options have been thoroughly researched and shown to be inappropriate. Treatment options may be considered only after hazardous substance use reduction, waste reduction, and recycling options have been thoroughly researched and shown to be inappropriate. Documentation of the research shall be available to the department upon request. The rules shall also require the plans to discuss the hazardous substance use reduction, waste reduction, and closed loop recycling options separately from other recycling and treatment options. All plans shall be written in conformance with the format prescribed in the rules adopted under this section. The rules shall require the plans to include, but not be limited to:

(a) A written policy articulating management and corporate support for the plan and a commitment to implementing planned activities and achieving established goals;

(b) The plan scope and objectives;

(c) Analysis of current hazardous substance use and hazardous waste generation, and a description of current hazardous substance use reduction, waste reduction, recycling, and treatment activities;

(d) An identification of further hazardous substance use reduction, waste reduction, recycling, and treatment opportunities, and an analysis of the amount of hazardous substance use reduction and waste reduction that would be achieved, and the costs. The analysis of options shall demonstrate that the priorities provided for in this section have been followed;

(e) A selection of options to be implemented in accordance with the priorities established in this section;

(f) An analysis of impediments to implementing the options. Impediments that shall be considered acceptable include, but are not limited to: Adverse impacts on product quality, legal or contractual obligations, economic practicality, and technical feasibility;

(g) A written policy stating that in implementing the selected options, whenever technically and economically practicable, risks will not be shifted from one part of a process, environmental media, or product to another;

(h) Specific performance goals in each of the following categories, expressed in numeric terms:

(i) Hazardous substances to be reduced or eliminated from use;

(ii) Wastes to be reduced or eliminated through waste reduction techniques;

(iii) Materials or wastes to be recycled; and

(iv) Wastes to be treated;

If the establishment of numeric performance goals is not practicable, the performance goals shall include a clearly stated list of objectives designed to lead to the establishment of numeric goals as soon as is practicable. Goals shall be set for a five-year period from the first reporting date;

(i) A description of how the wastes that are not recycled or treated and the residues from recycling and treatment processes are managed may be included in the plan;

(j) Hazardous substance use and hazardous waste accounting systems that identify hazardous substance use and waste management costs and factor in liability, compliance, and oversight costs;

(k) A financial description of the plan;

(l) Personnel training and employee involvement programs;

(m) A five-year plan implementation schedule;

(n) Documentation of hazardous substance use reduction and waste reduction efforts completed before or in progress at the time of the first reporting date; and

(o) An executive summary of the plan, which shall include, but not be limited to:

(i) The information required by (c), (e), (h), and (n) of this subsection; and

(ii) A summary of the information required by (d) and (f) of this subsection.

(4) Upon completion of a plan, the owner, chief executive officer, or other person with the authority to commit management to the plan shall sign and submit an executive summary of the plan to the department.

(5) Plans shall be completed and executive summaries submitted in accordance with the following schedule:

(a) Hazardous waste generators who generated more than fifty thousand pounds of hazardous waste in calendar year 1991 and hazardous substance users who were required to report in 1991, by September 1, 1992;

(b) Hazardous waste generators who generated between seven thousand and fifty thousand pounds of hazardous waste in calendar year 1992 and hazardous substance users who were required to report for the first time in 1992, by September 1, 1993;

(c) Hazardous waste generators who generated between two thousand six hundred forty and seven thousand pounds of hazardous waste in 1993 and hazardous substance users who were required to report for the first time in 1993, by September 1, 1994;

(d) Hazardous waste generators who have not been required to complete a plan on or prior to September 1, 1994, must complete a plan by September 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste; and

(e) Hazardous substance users who have not been required to complete a plan on or prior to September 1, 1994, must complete a plan by September 1 of the year following the first year that they are required to report under section 313 of Title III of the Superfund Amendments and Reauthorization Act.

(6) Annual progress reports, including a description of the progress made toward achieving the specific performance goals established in the plan, shall be prepared and submitted to the department in accordance with rules developed under this section. Upon the request of two or more users or generators belonging to similar industrial classifications, the department may aggregate data contained in their annual progress reports for the purpose of developing a public record.

(7) Every five years, each plan shall be updated, and a new executive summary shall be submitted to the department.

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Rust and Horn spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Ms. Rust moved adoption of the following amendment by Representatives Rust, Horn and D. Sommers to the committee amendment:

On page 30, after line 23 of the amendment, insert "(4) Rules developed under this section shall not require a manifest from individual residences served by a waste oil curbside collection program."

Representatives Rust and Horn spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Rust moved adoption of the following amendment by Representatives Rust, Horn and D. Sommers to the committee amendment:

On page 33, line 19 of the amendment, strike "and the refuse removal" and insert "~~((and the refuse removal))~~ solid waste collection industries."

Representatives Rust and Horn spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Rust moved adoption of the following amendment by Representatives Rust, Horn and D. Sommers to the committee amendment:

On page 34, after line 12 of the amendment, insert
NEW SECTION. Sec. 402. A new section is added to chapter 70.95 RCW to read as follows:

(1) Each local solid waste advisory committee shall conduct one or more meetings for the purpose of determining how local private recycling and solid waste collection businesses may participate in the development and implementation of programs to collect source separated materials from residences, and to process and market materials collected

for recycling. The meetings shall include local private recycling businesses, private solid waste collection companies operating within the jurisdiction, and the local solid waste planning agencies. The meetings shall be held during the development of the waste reduction and recycling element or no later than one year prior to the date that a jurisdiction is required submit the element under chapter 70.95.110(2) RCW.

(2) The meeting requirement under subsection (1) of this section shall apply whenever a city or county develops or amends the waste reduction and recycling element required under this chapter. Jurisdictions having approved waste reduction and recycling elements or having initiated a process for the selection of a service provider as of the effective date of this act do not have to comply with the requirements of subsection (1) of this section until the next revisions to the waste reduction and recycling element are made or required.

(3) After the waste reduction and recycling element is approved by the local legislative authority but before it is submitted to the department for approval, the local solid waste advisory committee shall hold at least one additional meeting to review the element.

(4) For the purpose of this section, "private recycling business" means any private for-profit or private not-for-profit business that engages in the processing and marketing of recyclable materials.

NEW SECTION. Sec. 403. A new section is added to chapter 81.77 RCW to read as follows:

(1) A solid waste collection company collecting recyclable materials from residences shall utilize one or more private recycling businesses when arranging for the processing and marketing of such materials, if the following conditions are met:

(a) A recycling business is located within the county at the time the collection program commences or at any time that the solid waste collection company changes its existing processor;

(b) A local private recycling business is capable and competent to provide the processing and marketing service; and

(c) A local private recycling business offers to pay a price for the recyclable materials which is equal to or greater than the price offered by out-of-county private recyclers, or proposes a charge for the processing and marketing service which is equal to or less than the charge for the service available from an out-of-county private recycler.

(2) This section shall not apply to:

(a) cities or towns who exercise their authority under RCW 81.77.130 to provide residential curbside collection of recyclable materials;

(b) a solid waste collection company that is directed by a city, town, or county to utilize a publicly owned recyclable processing facility located within such city, town, or county; or

(c) counties which exercise their authority under RCW 36.58.040 to contract for the residential curbside collection of source separated recyclables.

This section shall not apply to programs for the collection of source separated recyclable materials where rates to implement the programs have been filed with the commission prior to the effective date of this act.

(3) For the purposes of this section, "private recycling business" means any private for-profit or private not-for-profit firm that engages in the processing and marketing of recyclable materials.

(4) This section is not enforceable by complaint filed with the commission.

NEW SECTION. Sec. 404. A new section is added to chapter 35.21 RCW to read as follows:

(1) Each city or town providing by ordinance or resolution a reduced solid waste collection rate to residents participating in a residential curbside recycling program implemented under RCW 70.95.090, may provide a similar reduced rate to residents

participating in any other recycling program, if such program is approved by the jurisdiction. Nothing in this section shall be interpreted to reduce the authority of a city to adopt ordinances under RCW 35.21.130(1).

(2) For the purposes of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. Reduced rate shall not include residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

NEW SECTION. Sec. 405. A new section is added to chapter 35A.21 RCW to read as follows:

(1) Each city or town providing by ordinance or resolution a reduced solid waste collection rate to residents participating in a residential curbside recycling program implemented under RCW 70.95.090, may provide a similar reduced rate to residents participating in any other recycling program, if such program is approved by the jurisdiction. Nothing in this section shall be interpreted to reduce the authority of a city to adopt ordinances under RCW 35.21.130(1).

(2) For the purposes of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. Reduced rate shall not include residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

NEW SECTION. Sec. 406. A new section is added to chapter 81.77 RCW to read as follows:

(1) If the commission authorizes a surcharge or reduced rate incentive based on a customer's participation in a company's curbside residential recycling program, customers participating in any other noncurbside recycling program approved by the jurisdiction shall be eligible for such incentives.

(2) For the purpose of this section, "reduced rate" means a residential solid waste collection rate incorporating a rebate, refund, or discount. It does not include any residential solid waste collection rate based on the volume or weight of solid waste set out for collection.

NEW SECTION. Sec. 407. A new section is added to chapter 70.95 RCW to read as follows:

(1) No person may divert to personal use any recyclable material placed in a container as part of a recycling program, without the consent of the generator of such recyclable material or the solid waste collection company operating under the authority of a town, city, county, or the utilities and transportation commission, and no person may divert to commercial use any recyclable material placed in a container as part of a recycling program, without the consent of the person owning or operating such container.

(2) A violation of subsection (1) of this section is a class 1 civil infraction under chapter 7.80 RCW. Each violation of this section shall be a separate infraction.

Sec. 408. RCW 46.61.560 and 1984 c 7 s 72 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW 36.58.030."

Representatives Rust and Horn spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Bowman moved adoption of the following amendment by Representatives Bowman, Rust, Horn and D. Sommers to the committee amendment:

On page 34, line 13 of the amendment, strike section 402

Renumber the remaining sections and correct internal references accordingly.

Representatives Bowman, Morton and Wang spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Rust moved adoption of the following amendment to the committee amendment:

On page 26, after line 6 of the amendment, insert "Nothing in this section shall be construed to require a city or county to construct or operate a public used oil collection site"

Representatives Rust and D. Sommers spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

Ms. Fraser moved adoption of the committee amendment to the title by Committee on Revenue.

With consent of the House, the following amendments by Representative Rust to the title amendment were adopted:

On page 36, line 4 of the title amendment, after "RCW" strike the remainder of the title and insert "46.61.560, 70.93.020, 70.93.030, 70.95C.120, 70.95.040, recodifying RCW 19.114.040; repealing RCW 19.114.010, 19.114.020, 19.114.030, 19.114.900, 43.131.552, 43.131.554, and 43.31.556; adding a new section to chapter 35.21 RCW; adding a new section to chapter 70.93 RCW; adding a new section to chapter 70.94 RCW; adding new sections to 70.95; adding a new section to chapter 70.105 RCW; adding a new section to 81.77 RCW; adding a new section to chapter 82.04 RCW; adding new chapters to Title 70 RCW; creating new sections; prescribing penalties; and declaring an emergency.

On page 36, line 5 of the amendment, after "70.93.030," strike "70.95C.120" and insert "70.95C.020, 70.95C.120, 70.95C.200"

With consent of the House, the following amendment by Representative Bowman and Rust to the title amendment was adopted:

On page 36, line 9 of the amendment, after "chapter 70.105 RCW;" strike "adding a new section to chapter 82.04 RCW;"

The title amendment as amended was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and D. Sommers spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. Sprenkle.

Mr. Sprenkle: Representative Rust, is the funding from the Model Litter Control Account and Solid Waste Account intended to be a one-time funding solution to get the Clean Washington Center started?

Ms. Rust: Yes, Representative Sprenkle, it is the intent that these funds be used to get the center started and that the long-term funding for the center will be addressed by the Recycling Task Force.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5591 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Basich - 01.

Second Substitute Senate Bill No. 5591 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker assumed the Chair.

MOTION

Mr. Dorn moved that the House immediately consider Engrossed Substitute Senate Bill No. 5245 on the regular second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5245, by Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness, Sutherland, Williams, Jesernig, Stratton, Bauer and Conner; by request of Governor Gardner)

Directing the development of a state energy strategy and authorizing the implementation of conservation savings and sales by state agencies.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cooper and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5245, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslie, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Basich - 01.

Engrossed Substitute Senate Bill No. 5245, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Senate Bill No. 5042 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5042, by Senators Cantu, Madsen, Hayner, Sutherland, Thorsness, von Reichbauer, Rasmussen, Pelz, Craswell, Conner, Bluechel, L.

Smith, Roach, Johnson, Saling, Bailey, Bauer, Snyder, Anderson and Gaspard;
by request of Governor Gardner

Extending the commission for efficiency and accountability an additional four years.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Kremen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5042, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yeas: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Basich - 01.

Senate Bill No. 5042, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately resume consideration of Substitute Senate Bill No. 5045 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5045, by Senate Committee on Energy & Utilities (originally sponsored by Senators Madsen, Barr and Conner)

Providing for investigation of consumer complaints regarding drinking water quality.

The House resumed consideration of Substitute Senate Bill No. 5045 on second reading. (For previous action, see Journal, 85th Day, April 8, 1991, Afternoon Session.)

The Speaker stated the question before the House to be adoption of the amendment on page 6, line 7, by Representative Wilson and others.

POINT OF ORDER

Mr. Cooper: Mr. Speaker, my Point of Order is in relationship to House Rule 12(A). This amendment is flawed, as it refers to page 6. This is a four-page bill.

SPEAKER'S RULING

The Speaker: Representative Cooper, you are technically correct. House Rule 12(A) clearly says that amendments must be in proper form. With consent of the House, I would ask that we be allowed to correct the citation.

POINT OF ORDER

Mr. Cooper: Mr. Speaker, I do not consent.

SPEAKER'S REPLY

The Speaker: Apparently we don't have consent of the House. There is an amendment on the bar of the House, a floor amendment with the corrected citation.

Mr. Wilson moved adoption of the following amendment:

On page 4, line 29, after "test," insert "The commission shall prohibit the installation of hazardous material transmission systems which may adversely affect water systems dependent upon federally-designated sole-source aquifers."

POINT OF ORDER

Mr. Cooper: Mr. Speaker, I request a ruling on scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Cooper, the Speaker has examined, and it frankly did not take much examination, Substitute Senate Bill No. 5045 and the amendment which I seem to have seen at some other point in the process. The underlying bill deals with investigation of customer complaints regarding drinking water quality. The amendment deals with the prohibition of hazardous material transportation system. I find, Representative Cooper, that your point is well taken. The amendment offered by Representative Wilson is outside the scope and object of the original bill.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Cooper spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5045, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Dellwo - 01.

Excused: Representative Basich - 01.

Substitute Senate Bill No. 5045, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

For the record, on the vote on final passage of Substitute Senate Bill No. 5045, it was my intent to vote "Yes."

DENNIS DELLWO, 33rd District.

The Speaker called on Representative R. Meyers to preside.

MOTION

On motion of Ms. Bowman, Representatives Holland, McLean, Mielke, Moyer, Nealey and Silver were excused.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5202 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5202, by Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Madsen)

Changing provisions relating to civil judgments.

The bill was read the second time.

Mr. Inslee moved adoption of the following amendment by Representatives Inslee, Riley, R. Meyers and Padden:

On page 5, after line 21 insert a section to read as follows:

"NEW SECTION. Sec. 1. A new section is added to chapter 4.56 RCW to read as follows:

The superior court may issue partial summary judgment in a civil action for damages. The court may enter partial summary judgment and award damages to a party who has incurred the damages if no material issue of fact exists regarding any of the following: (1) The causation for those damages, (2) the liability of another party for those damages, and (3) the amount of those damages."

Renumber the remaining sections accordingly.

Mr. Inslee spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Padden, Ludwig and Paris spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5202 as amended by the House, and the bill failed to pass the House by the following vote: Yeas - 46, Nays - 45, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bowman, Brekke, Cantwell, Cooper, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Hargrove, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson R., King, R., Leonard, Locke, May, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Orr, Peery, Phillips, Pruitt, Rasmussen, Riley, Roland, Rust, Sommers, H., Spanel, Sprengle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 46.

Voting nay: Representatives Ballard, Beck, Betrozoff, Braddock, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Cole, Day, Dellwo, Ferguson, Fuhrman, Grant, Haugen, Hochstatter, Johnson P., Jones, Kremen, Lisk, Ludwig, Miller, Mitchell, Morton, Neher, Ogden, Padden, Paris, Prentice, Prince, Rayburn, Schmidt, Scott, Sheldon, Sommers, D., Tate, Valle, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 45.

Excused: Representatives Basich, Holland, McLean, Mielke, Moyer, Nealey, Silver - 07.

Substitute Senate Bill No. 5202, having failed to receive the constitutional majority, was declared not passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker (Mr. R. Meyers presiding) called the House to order.

Representatives Basich, Holland and Silver appeared at the bar of the House.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4669, by Representatives Betrozoff, Jacobsen, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, G. Fisher, R. Fisher, Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, P. Johnson, R. Johnson, Jones, J. King, R. King, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, R. Meyers, Mielke, Miller, Mitchell, Morris, Morton, Moyer, H. Myers, Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky and Anderson

WHEREAS, The abuse of drugs and alcohol, especially among our youth, is a very significant public policy issue that is facing our state and nation; and

WHEREAS, The battle against drugs and alcohol abuse must be waged on every front by all of us through example, leadership, and the sacrifice of our time and energy; and

WHEREAS, Debbie Armstrong, 1984 Olympic Gold Medalist in the Giant Slalom at Sarajevo, Yugoslavia, and the Washington State Substance Abuse Coalition have again joined forces to present the Fifth Annual "Debbie Armstrong Youth Challenge - 1991: Say NO to alcohol and other drugs, say YES to community service"; and

WHEREAS, The 1991 challenge is a state-wide campaign to encourage all public and private middle, junior, and senior high school students in the state, and all community youth agencies to say no to drugs and alcohol and say yes to community service; and

WHEREAS, Two hundred sixty schools, fifty-five community agencies, and over two hundred thousand individuals have participated in the Debbie Armstrong Youth Challenge over the past five years; and

WHEREAS, Major sponsors for the Debbie Armstrong Youth Challenge over the past five years include the Washington State Substance Abuse Coalition, Telephone Pioneers of America, KING Broadcasting Company, Division of Alcohol and Substance Abuse, and Washington Traffic Safety;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend all of the people and organizations that have dedicated their time and resources to make the Fifth Annual Debbie Armstrong Youth Challenge a great success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Debbie Armstrong, the Washington State Substance Abuse Coalition, the Telephone Pioneers of America, KING Broadcasting Company, and Washington Traffic Safety.

Mr. Betrozoff moved adoption of the resolution. Representatives Betrozoff, Jacobsen and Heavey spoke in favor of the resolution.

House Resolution No. 91-4669 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. R. Meyers presiding) introduced Miss Debbie Armstrong, who was seated in the place of honor in the rear of the House Chamber.

MOTION

Mr. Dorn moved that the House immediately consider Substitute Senate Bill No. 5418 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5418, by Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson and Talmadge)

Creating an interagency criminal justice work group.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Appropriations recommendation: Majority do pass as amended by Committee on Appropriations (For committee amendments, see Journal, 85th Day, April 8, 1991.) and without amendments by Committee on Judiciary.

Mr. Appelwick moved that the House do not adopt the committee amendments by Committee on Judiciary. Mr. Appelwick spoke in favor of the motion, and it was carried.

Ms. Spanel moved adoption of the committee amendment by Committee on Appropriations.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher and Wineberry to the committee amendment:

On page 4 of the striking amendment, beginning on line 3 strike section 3 and insert the following section:

"NEW SECTION. Sec. 3. The criminal justice training commission's basic law enforcement training and education standards established by rule and regulation pursuant to RCW 43.101.080 shall include standards for training criminal justice personnel to reduce and eliminate police harassment of, and brutality toward, citizens."

Ms. Belcher spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Appelwick moved adoption of the following amendment by Representative Wineberry to the committee amendment:

On page 4, after line 10 of the amendment insert the following:

"Sec. 5. RCW 35.20.270 and 1977 ex.s. c 108 s 1 are each amended to read as follows:

(1) The position of warrant server (~~(is hereby)~~) may be created and maintained by the city either within the courts created by chapter 35.20 RCW or within the city police department. The number and qualifications of said warrant servers shall be fixed by ordinance, and their compensation shall be paid by the city.

(2) Said warrant servers shall be vested only with the special authority to make arrests authorized by the warrants which they have been directed to serve by courts created by chapter 35.20 RCW.

(3) All criminal and civil process issuing out of courts created under this title shall be directed to the chief of police of the city served by the court and/or to the sheriff of the county in which the court is held and/or the warrant servers of the court and be by them executed according to law in any county of this state.

(4) No process of courts created under this title shall be executed outside the corporate limits of the city served by the court unless the person authorized by said process shall first contact the applicable law enforcement agency in whose jurisdiction the process is to be served.

(5) Upon a defendant being arrested in another city or county the cost of arresting or serving process thereon shall be borne by the court issuing said process including the cost of returning the defendant from any county of the state to the city.

(6) Said warrant servers shall not be entitled to death, disability or retirement benefits pursuant to chapter 41.26 RCW on the basis of service as a warrant server as described in this section."

Mr. Appelwick spoke against adoption of the amendment to the committee amendment, and it was not adopted.

The committee amendment by Committee on Appropriations as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5418 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Miller, Mitchell, Morris, Morton, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives McLean, Mielke, Moyer, Nealey - 04.

Substitute Senate Bill No. 5418 as amended by the House, having received the constitutional majority, was declared passed.

Representatives McLean, Mielke, Moyer and Nealey appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House defer consideration of Engrossed Senate Bill No. 5566 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5632, by Senators West, Niemi and Johnson

Redefining what an ocularist is and his or her apprenticeship period.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

Mr. Braddock moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill NO. 5632 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R.,

Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5632 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of Substitute Senate Bill No. 5666 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5669, by Senators Niemi and West

Establishing housing trust fund priorities for projects submitted by regional support networks.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Nelson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Nelson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5669 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers,

H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5669 as amended by the House, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Ms. Cole, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Substitute Senate Bill No. 5202 as amended by the House failed to pass the House.

Mr. Appelwick spoke in favor of the motion.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

Representatives Inslee and May spoke in favor of the motion, and Representatives Padden and Paris spoke against it.

ROLL CALL

The Clerk called the roll on the motion by Representative Cole to reconsider the vote by which Substitute Senate Bill No. 5202 as amended by the House failed to pass the House, and the motion was carried by the following vote: Yeas - 60, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Bowman, Braddock, Brekke, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson R., King, R., Kremen, Leonard, Lisk, Locke, May, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Wang, Wineberry, Wynne, Zellinsky, and Mr. Speaker - 60.

Voting nay: Representatives Ballard, Beck, Betzoff, Bray, Broback, Brough, Casada, Chandler, Ferguson, Forner, Fuhrman, Grant, Hochstatter, Holland, Johnson P., Jones, Ludwig, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Valle, Vance, Van Luven, Wilson, Winsley, Wood - 38.

RECONSIDERATION

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be reconsideration of final passage of Substitute Senate Bill No. 5202 as amended by the House.

Representatives Padden and Ludwig spoke against passage of the bill, and Representatives May and Appelwick spoke in favor of it.

ROLL CALL

The Clerk called the roll on reconsideration of final passage of Substitute Senate Bill No. 5202 as amended by the House, and the bill passed the House by the following vote: Yeas - 51, Nays - 47, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bowman, Broback, Brumsickle, Cantwell, Cole, Cooper, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson R., Leonard, Lisk, Locke, May, Meyers, R., Morris, Morton, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Pruitt, Rasmussen, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Wang, Wineberry, and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Basich, Beck, Betrozoff, Braddock, Bray, Brekke, Brough, Casada, Chandler, Day, Dellwo, Ferguson, Franklin, Fuhrman, Hochstatter, Holland, Johnson P., Jones, King, R., Kremen, Ludwig, McLean, Mielke, Miller, Mitchell, Moyer, Nealey, Neher, Padden, Paris, Prentice, Prince, Rayburn, Riley, Schmidt, Silver, Sommers, D., Tate, Valle, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 47.

Substitute Senate Bill No. 5669 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Ms. Bowman, Representative Van Luven was excused.

SUBSTITUTE SENATE BILL NO. 5670, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Niemi and West)

Changing provisions relating to children's mental health.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Ms. Leonard moved adoption of the committee amendment.

Ms. Leonard moved adoption of the following amendment to the committee amendment:

On page 19, after line 11 of the amendment, strike all of section 4 and insert the following:

NEW SECTION. Sec. 4. By December 1, 1991, the department shall develop criteria under the federal Title XIX early and periodic screening, diagnosis, and treatment program to serve acutely mentally ill and severely emotionally disturbed children in a manner that maximizes federal reimbursement by:

(1) Developing qualifications for certified mental health screening providers and ensuring that mental health screening, as appropriate and medically necessary, is coordinated with or does not duplicate complete screening examinations;

(2) Developing, in consultation with regional support networks and private practitioners, criteria for use by providers under the early and periodic screening,

diagnosis, and treatment program to identify children with mental disorders eligible for referral to further evaluation, diagnosis, and treatment planning;

(3) Requiring prior authorization and utilization review for residential and inpatient services, including inpatient acute hospitalizations and evaluation and treatment facilities as defined in RCW 71.34.020; and

(4) Providing reimbursement for specialized family, home, school, and community-based mental health services or programs designed to promote primary prevention or intervention and maximize the development and potential of acutely mentally ill and severely emotionally disturbed children and their families.

The plan shall be submitted to appropriate committees of the legislature on or before December 1, 1991.

Ms. Leonard spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Jones moved adoption of the following amendment by Representatives Jones, Brough, and Moyer to the committee amendment:

On page 23, after line 3 of the amendment insert:

NEW SECTION. Sec. 8. The legislature finds that an increasing number of children are entering the state's public schools with learning impairments caused by the use of drugs, alcohol, and tobacco by their mothers during pregnancy. Many of these children suffer from mental retardation, poor social abilities, low cognitive skills, attention deficit disorders, hyperactivity, or speech problems.

The legislature further finds that educating these children will require additional resources, and perhaps new educational strategies and techniques. The extent of these additional resources and the most appropriate strategies and techniques are not known at this time. If additional resources are not provided, teachers will be required to devote significant time to these students to the detriment of other children in the classroom.

The legislature further finds that many of these learning impairments are preventable, and that increased parental education on the effects of substance abuse during pregnancy would aid in reducing the number of children with learning impairments.

NEW SECTION. Sec. 9. The task force on the children of substance abusers is created. The task force shall:

(1) Consult with the interagency task force created under Senate Bill 5474 to identify current methods of data collection and reporting about children in Washington born affected by alcohol or drugs;

(2) Determine, to the extent feasible with available resources, the current and projected number of children in Washington born affected by alcohol or drugs, and estimate the number that can be expected to have learning impairments during school age;

(3) Investigate the nature of the special needs of children born affected by alcohol or drugs;

(4) Identify the categories of education and social services in the state likely to be significantly affected by changes in the number of children born affected by alcohol or drugs;

(5) Identify current public education and social service programs designed to address the special needs of children born affected by alcohol or drugs, including, to the extent feasible, total expenditures and number of children served;

(6) Identify current educational and treatment programs designed to reduce substance abuse during pregnancy, including, to the extent feasible, total expenditures and number of women served; and

(7) Based on its findings under subsections (1) through (6) of this section:

(a) Examine implications for the public school system and social services in Washington;

(b) Investigate promising models for addressing the needs of children born affected by alcohol or drugs within the public education and social service settings, including, to the extent feasible, estimates of cost per child;

(c) Investigate ways to reduce the problem of substance abuse during pregnancy, including, but not limited to, ways to reduce the social acceptance of alcohol and drug use during pregnancy and ways to reduce the availability of harmful substances to pregnant women;

(d) Investigate such related issues as the task force deems appropriate; and

(e) Develop recommendations for state action.

NEW SECTION. Sec. 10. (1) Membership on the task force created in section 9 of this act shall include representatives from the:

(a) Senate, one each from the majority and minority parties, selected by the president of the senate;

(b) House of representatives, one each from the majority and minority parties, selected by the speaker of the house of representatives;

(c) The office of the superintendent of public instruction;

(d) Department of health;

(e) Department of community development;

(f) Department of social and health services;

(g) University of Washington's center for child development and mental retardation;

(h) Washington education association;

(i) Association of Washington school principals;

(j) Washington state school directors' association;

(k) Washington association of school administrators;

(l) Washington state parent-teachers association;

(m) Learning disability association of Washington;

(n) County health departments;

(o) Chemical dependency associations, not more than three representatives; and

(p) Private advocacy groups serving families and children, not more than three representatives.

(2) The representatives of the agencies listed under (c) through (g) shall be the agency heads or their designees. The representatives of the organizations listed under (h) through (p) shall be appointed by the superintendent of public instruction after consultation with organizations they represent. The task force shall select a chair from among its members at its first meeting.

(3) All task force members shall be appointed within twenty days and the first meeting of the task force shall be within thirty days of the effective date of this act.

NEW SECTION. Sec. 11. Staff support for the task force created in section 9 of this act shall be provided by the office of the superintendent of public instruction.

NEW SECTION. Sec. 12. The task force created in section 9 of this act shall report its final findings and recommendations to the appropriate standing committees of the legislature before December 1, 1991.

NEW SECTION. Sec. 13. Sections 8 through 12 of this act shall expire December 31, 1991.

NEW SECTION. Sec. 14. Sections 8 through 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

Mr. Jones spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

Ms. Leonard moved adoption of the committee amendment to the title.

With consent of the House, the following amendment by Representative Jones to the committee amendment to the title was adopted:

On page 23, line 9 of the committee's title amendment, after "sections;" strike "and" and after "71.24.800" on line 10 insert "; providing an expiration date; and declaring an emergency"

The committee amendment to the title as amended was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5670 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Van Luven - 01.

Substitute Senate Bill No. 5670 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5821, by Senators Craswell, Owen and Oke

Modifying provisions relating to the creation of air pollution control authorities.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Ms. Rust moved adoption of the committee amendment.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky, Sheldon, Schmidt and P. Johnson to the committee amendment:

Beginning on page 2, line 12 of the amendment, strike all of section 2 and insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 70.94 RCW to read as follows:

(1) Any county of the first class in which seventy-five percent or more of its boundary lies on water and not land, and that is a part of a multicounty authority pursuant to RCW 70.94.053, shall be subject to the requirements of this section. After January 1, 1992, any such county shall operate an individual county air pollution control authority under this chapter, unless prior to such date, the legislative authority of such county determines to take one of the following actions:

(a) To continue its participation in an existing multicounty authority;

(b) To join another existing multicounty authority by consent of the governing board of such authority; or

(c) To join with one or more contiguous counties to operate as a new multicounty authority, pursuant to the procedures of RCW 70.94.057.

(2) Prior to making a determination under subsection (1) of this section the county shall obtain public comment through hearings and written comments.

(3) Where a county subject to the requirements of this section does not elect to participate in a multicounty authority after January 1, 1992, the rules adopted by a multicounty authority in effect within such county shall remain in effect until superseded by the adoption of rules, resolutions, or ordinances by the county acting as an individual county authority under this chapter. Such superseding rules, resolutions, or ordinances shall, in all cases, become effective on or before July 1, 1992.

(4) Before operating an individual county air pollution control authority under this chapter, a county subject to the requirements of this section shall make arrangements by intercounty agreement with the multicounty authority from which the county is withdrawing for the division of assets and liabilities and the appropriate releases of interests in assets of the multicounty authority."

Representatives Zellinsky, Schmidt, P. Johnson, Sheldon and Paris spoke in favor of adoption of the amendment to the committee amendment, and Representatives Pruitt and Rust spoke against it.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendment on page 2, line 12, by Representatives Zellinsky and others to the committee amendment.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 50, Nays - 47. The amendment to the committee amendment was adopted.

MOTION

Mr. Ebersole moved that the House defer further consideration of Senate Bill No. 5821 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5184, by Senate Committee on Higher Education (originally sponsored by Senators Saling, Bauer, Thorsness, Jesernig, Stratton, Talmadge and Snyder; by request of Governor Gardner)

Creating a work force training and education coordinating board, and combining community and vocation-technical schools under one agency.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Jacobsen moved adoption of the committee amendment.

Mr. Ebersole moved adoption of the following amendments to the committee amendment:

On page 6, beginning on line 13 of the amendment, strike all of subsection (13).

On page 6, line 15 of the amendment, after "(1)" insert "The director of the board shall be appointed by the governor, and shall serve at the pleasure of the governor. The governor shall dismiss the director at the request of a majority of the members of the board."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Mr. Ebersole spoke in favor of adoption of the amendments to the committee amendment, and Representatives Prince and Jacobsen spoke against them. The amendments to the committee amendment were not adopted.

Mr. Wineberry moved adoption of the following amendments to the committee amendment by Representatives Wineberry and Jacobsen:

On page 5, line 2 of the amendment, after "geographic" insert ", ethnic and gender"

On page 5, line 2 of the amendment, after "balance." insert "The Governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities."

On page 5, line 5 of the amendment, after "nominations" insert "and selections"

On page 5, line 6 of the amendment, after "women" insert ", people with disabilities,"

On page 5, line 10 of the amendment, after "nominations" insert "and selections"

On page 5, line 10 of the amendment, after "women" insert ", people with disabilities,"

Mr. Wineberry spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Ebersole moved adoption of the following amendments by Representatives Ebersole, Winsley, Dorn, Broback, Rasmussen to the committee amendment:

On page 20 of the amendment, line 24, strike "twenty-seven" and insert "twenty-nine"

On page 23, line 11 of the amendment, after "districts;" strike "and"

On page 23, line 25 of the amendment, after "beginning" insert ";"

(28) The twenty-eighth district shall encompass all of Pierce county; and

(29) The twenty-ninth district shall encompass all of Pierce county"

Beginning on page 24, line 14 of the amendment, after "district" strike everything through "dissolved." on page 25, line 13, and insert "twenty-eight and Bates Vocational-Technical Institute, hereafter known as Bates Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100."

Beginning on page 25, line 15 of the amendment, after "district" strike everything through "dissolved." on page 26, line 10, and insert "twenty-nine and Clover Park Vocational-Technical Institute, hereafter known as Clover Park Technical College. The members of the board shall be appointed pursuant to the provisions of RCW 28B.50.100."

On page 36, beginning on line 5 of the amendment, strike "With the exception of districts eleven and twenty-two that shall each have a board of trustees composed of seven members, each" and insert "Each"

On page 38, beginning on line 17 of the amendment, strike "with the exception of districts eleven and twenty-two, the board"

On page 41, line 2 of the amendment, after "board" insert ". Technical colleges in districts twenty-eight and twenty-nine may offer nonbaccalaureate associate of technical or applied arts degrees only in conjunction with a community college the district of which overlaps with the district of the technical college, and these degrees may only be offered after a contract or agreement is executed between the technical college and the community college"

On page 101 of the amendment, after line 23, insert the following:

"For the purpose of creating and adopting a regional planning agreement, the trustees of the colleges in Pierce county shall form a county coordinating committee. The county coordinating committee shall consist of eight members. Each college board of trustees in Pierce county shall select two of its members to serve on the county coordinating committee. The county coordinating committee shall not employ its own staff, but shall instead utilize staff of the colleges in the county. The regional planning agreement adopted by the county coordinating committee shall include, but shall not be limited to: The times listed in this section, the transfer of credits between technical and community colleges, program articulation, and the avoidance of unnecessary duplication in programs, activities, and services."

Representatives Ebersole and Broback spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

Mr. Kremen moved adoption of the following amendment to the committee amendment by Representatives Kremen, Spanel and R. Johnson:

On page 24, beginning on line 9 of the amendment, after "twenty-five and" strike everything through "Whatcom" on line 10, and insert "Bellingham Vocational-Technical Institute, hereafter known as Bellingham"

Representatives Kremen and Jacobsen spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Ms. Spanel moved adoption of the following amendment to the committee amendment by Representatives Spanel, R. Johnson, Braddock, Kremen and Jacobsen:

On page 41, line 2 of the amendment, after "board" insert ". The authority and responsibility to offer transfer level academic support and general education for students

of districts twenty-one and twenty-five shall reside exclusively with Whatcom Community College"

Ms. Spanel spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Peery moved adoption of the following amendment to the committee amendment by Representatives Peery, Inslee and Edmondson:

On page 73 of the amendment, after line 16, strike everything through "college." on line 20

Representatives Peery, Jacobsen and Edmondson spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Jacobsen moved adoption of the following amendments to the committee amendment:

On page 74 of the amendment, beginning on line 29, strike "the effective date of this section" and insert "June 30, 1991,"

On page 75 of the amendment, beginning on line 3, after "41.56 RCW." strike everything through "October 1, 1991." on line 9, and insert "After the expiration date of a collective bargaining agreement, all of the terms and conditions specified in the collective bargaining agreement, as it applies to employees of vocational-technical institutes, shall remain in effect until the effective date of a subsequent agreement, not to exceed one year from the termination date stated in the agreement. The board of trustees and the employees may mutually agree to continue the terms and conditions of the agreement beyond the one year extension. However, nothing in this section shall be construed to deny any employee right granted under chapter 28B.52 or 41.56 RCW."

Mr. Jacobsen spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen and Dorn spoke in favor of passage of the bill, and Ms. Miller spoke against it.

POINT OF INQUIRY

Mr. Jacobsen yielded to question by Mr. Broback.

Mr. Broback: Representative Jacobsen, I have four questions I would like to ask. In Section 117, page 85, is it the intent of this legislation to include land, upon which buildings sit or buses are normally parked, as a "facility?" And is

it the intent of the legislature that this school district continue to have access to facilities via commonly shared private thoroughfares?

Mr. Jacobsen: Parking lots, storage lots and land upon which buildings sit should be considered as facilities under Section 117. School districts and/or technical colleges should continue to have access to facilities via commonly shared thoroughfares.

Mr. Broback: The second question, Representative Jacobsen, is: Are the assets referred to inclusive of buildings, land and appurtenances thereto?

Mr. Jacobsen: Yes. It is assumed that assets referred to on page 93, line 2, are those same assets listed on page 91, lines 18-20. This listing includes real estate and other appurtenances.

Mr. Broback: Thank you. The third question: Is the reverse true that, if an asset currently held by a school district which has been used on an average of at least seventy-five percent during the 1989-90 school year for K-12 purposes, shall remain with the school district?

Mr. Jacobsen: Yes. Facilities which are used on an average of seventy-five percent during the 1989-90 school year by the school district would remain property of the district. However, if these facilities are shared by a school district and a VTI prior to the effective date of the act, then Section 134, regarding shared facilities, would apply.

Mr. Broback: The final question, Representative Jacobsen: During the crafting of this bill, districts were assured that, if a district was sharing a single facility with a technical college, it could continue to do so at the rate of one dollar per year. Is that indeed the intent of this legislation?

Mr. Jacobsen: The State Board staff is not aware of any assurance made that school districts could rent shared facilities for one dollar per year. Arrangements for shared facilities would have to be individually negotiated by the school district and the technical college. It is reasonable to expect that the party sharing the facility would pay costs for maintenance and operation of their share of the facility.

Representatives Broback, Spanel, Wood, Basich and Ebersole spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5184 as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper,

Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Betrozoff, Bowman, Braddock, Ferguson, Leonard, Miller, Prentice - 07.

Excused: Representative Van Luven - 01.

Engrossed Substitute Senate Bill No. 5184 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5821, by Senators Craswell, Owen and Oke

Modifying provisions relating to the creation of air pollution control authorities.

The House resumed consideration of Senate Bill No. 5821 on second reading. (For previous action, see today's Journal.)

MOTION FOR RECONSIDERATION

Mr. Kremen, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment on page 2, line 12, by Representative Zellinsky and others to the committee amendment by Committee on Environmental Affairs was adopted by the House. The motion was carried.

RECONSIDERATION

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendment on page 2, line 12, by Representative Zellinsky and others to the committee amendment by Committee on Environmental Affairs.

The amendment to the committee amendment was not adopted.

Mr. Pruitt moved adoption of the following amendment to the committee amendment:

On page 2, line 24, strike all of section 2 and insert:

NEW SECTION. Sec. 2 A new section is added to chapter 70.94 RCW to read as follows:

(1) Any county that is part of a multicounty authority, pursuant to RCW 70.94.053, may withdraw from the multicounty authority after January 1, 1992, if the county wishes to provide for air quality protection and regulation by an alternate air quality authority. A withdrawing county shall:

(a) Create its own single county authority;

(b) Join another existing multicounty authority with which its boundaries are contiguous;

(c) Join with one or more contiguous inactive authorities to operate as a new multicounty authority; or

(d) Become an inactive authority and subject to regulation by the department of ecology.

(2) In order to withdraw from an existing multicounty authority, a county shall make arrangements, by inter-local agreement, for division of assets and liabilities and the appropriate release of any and all interest in assets of the multicounty authority.

(3) In order to effectuate any of the alternate arrangements in subsection (1) of this section, the procedures of this chapter to create an air pollution control authority shall be met and the actions must be taken at least six months prior to the effective date of withdrawal. The rules of the original multicounty authority shall continue in force for the withdrawing county until such time as all conditions to create an air pollution control authority have been met.

(4) At the effective date of a county's withdrawal, the remaining counties shall reorganize and reconstitute the legislative authority pursuant to this chapter. The air pollution control regulations of the existing multicounty authority shall remain in force and effect after the reorganization.

(5) If a county elects to withdraw from an existing multicounty authority, the air pollution control regulations shall remain in effect for the withdrawing county until suspended by the adoption of rules, regulations, or ordinances adopted under one of the alternatives of subsection (1) of this section. A county shall initiate proceedings to adopt such rules, regulations, or ordinances on or before the effective date of the county's withdrawal."

Representatives Pruitt and Schmidt spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rust spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5821 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson,

O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Van Luven - 01.

Senate Bill No. 5821 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Engrossed Substitute Senate Bill No. 5837 on the regular second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5837, by Senate Committee on Commerce & Labor (originally sponsored by Senators Anderson, Owen, Snyder and Matson)

Revising provisions for industrial insurance and employment compensation coverage.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Heavey moved that the House do not adopt the committee amendment. Representatives Heavey and Fuhrman spoke in favor of the motion, and it was carried.

Mr. Heavey moved adoption of the following amendment by Representatives Heavey and Lisk:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 51.08 RCW to read as follows:

As a separate alternative to the definition of "employer" under section 2 of this act and the definition of "worker" under section 3 of this act, services performed by an individual for remuneration shall not constitute employment subject to this title if it is shown that:

- (1) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract of service and in fact; and
- (2) The service is either outside the usual course of business for which the service is performed, or the service is performed outside all of the places of business of the enterprise for which the service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and
- (3) The individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or the individual has a principal place of business for the business the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(4) On the effective date of the contract of service, the individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(5) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, the individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(6) On the effective date of the contract of service, the individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting.

Sec. 2. RCW 51.08.070 and 1981 c 128 s 1 are each amended to read as follows:

"Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of this title, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers. Or as a separate alternative, persons or entities are not employers when they contract or agree to remunerate the services performed by an individual who meets the tests set forth in subsections (1) through (6) of section 1 of this act.

For the purposes of this title, a contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is not an employer when:

(1) Contracting with any other person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

(2) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

(3) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; and

(4) The work which the person, firm, or corporation has contracted to perform is:

(a) The work of a contractor as defined in RCW 18.27.010; or

(b) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW.

Sec. 3. RCW 51.08.180 and 1987 c 175 s 3 are each amended to read as follows:

(1) "Worker" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his or her employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his or her personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his or her employment, or as a separate alternative, a person is not a worker if he or she meets the tests set forth in subsections (1) through (6) of section 1 of this act: PROVIDED, That a person is not a worker for the purpose of this title, with respect to his or her activities attendant to operating a truck which he or she owns, and which is leased to a common or contract carrier.

(2) For the purposes of this title, any person, firm, or corporation currently engaging in a business which is registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is not a worker when:

(a) Contracting to perform work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW;

(b) The person, firm, or corporation has a principal place of business which would be eligible for a business deduction for internal revenue service tax purposes other than that furnished by the contractor for which the business has contracted to furnish services;

(c) The person, firm, or corporation maintains a separate set of books or records that reflect all items of income and expenses of the business; and

(d) The work which the person, firm, or corporation has contracted to perform is:

(i) The work of a contractor as defined in RCW 18.27.010; or

(ii) The work of installing wires or equipment to convey electric current or installing apparatus to be operated by such current as it pertains to the electrical industry as described in chapter 19.28 RCW.

(3) Any person, firm, or corporation registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW including those performing work for any contractor registered under chapter 18.27 RCW or licensed under chapter 19.28 RCW is a worker when the contractor supervises or controls the means by which the result is accomplished or the manner in which the work is performed.

(4) For the purposes of this title, any person participating as a driver or back-up driver in commuter ride sharing, as defined in RCW 46.74.010(1), is not a worker while driving a ride-sharing vehicle on behalf of the owner or lessee of the vehicle.

Sec. 4. RCW 51.12.020 and 1987 c 316 s 2 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer.

(3) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors or partners (~~PROVIDED, That after July 26, 1981, sole proprietors or partners who for the first time register under chapter 18.27 RCW or become licensed for the first time under chapter 19.28 RCW shall be included under the mandatory coverage provisions of this title subject to the provisions of RCW 51.32.030. These persons may elect to withdraw from coverage under RCW 51.12.115).~~)

(6) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm.

(7) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(8)(a) Except as otherwise provided in (b) of this subsection, any bona fide officer of a corporation voluntarily elected ((and empowered)) or voluntarily appointed in accordance with the articles of incorporation or bylaws of ((a) the corporation, who at all times during the period involved is also a bona fide director, and who is also a shareholder of the corporation. Only such officers who exercise substantial control in the daily management of the corporation and whose primary responsibilities do not include the performance of manual labor are included within this subsection.

(b) Alternatively, a corporation that is not a "public company" as defined in RCW 23B.01.400(19) may exempt eight or fewer bona fide officers, who are voluntarily elected or voluntarily appointed in accordance with the articles of incorporation or bylaws of the corporation and who exercise substantial control in the daily management of the corporation, from coverage under this title without regard to the officers' performance of manual labor if the exempted officer is a shareholder of the corporation, or may exempt any number of officers if all the exempted officers are related by blood within the third

degree or marriage. If a corporation that is not a "public company" elects to be covered under subsection (8)(a) of this section, the corporation's election must be made on a form prescribed by the department and under such reasonable rules as the department may adopt.

(c) Determinations respecting the status of persons performing services for a corporation shall be made, in part, by reference to Title 23B RCW and to compliance by the corporation with its own articles of incorporation and bylaws. For the purpose of determining coverage under this title, substance shall control over form, and mandatory coverage under this title shall extend to all workers of this state, regardless of honorary titles conferred upon those actually serving as workers.

((However, any)) (d) A corporation may elect to cover ((such)) officers who are ((in fact employees of the corporation)) exempted by this subsection in the manner provided by RCW 51.12.110.

(9) Services rendered by a musician or entertainer under a contract with a purchaser of the services, for a specific engagement or engagements when such musician or entertainer performs no other duties for the purchaser and is not regularly and continuously employed by the purchaser. A purchaser does not include the leader of a group or recognized entity who employs other than on a casual basis musicians or entertainers.

(10) Services performed by a newspaper carrier selling or distributing newspapers on the street or from house to house.

(11) Services performed by an insurance agent, insurance broker, or insurance solicitor, as defined in RCW 48.17.010, 48.17.020, and 48.17.030, respectively.

Sec. 5. RCW 51.12.110 and 1982 c 63 s 17 are each amended to read as follows:

Any employer who has in his or her employment any person or persons excluded from mandatory coverage pursuant to RCW 51.12.020 ~~((1), (2), (3), (4), (6), (7), (8), or (9))~~ may file notice in writing with the director, on such forms as the department may provide, of his or her election to make such persons otherwise excluded subject to this title. The employer shall forthwith display in a conspicuous manner about his or her works, and in a sufficient number of places to reasonably inform his or her workers of the fact, printed notices furnished by the department stating that he or she has so elected. Said election shall become effective upon the filing of said notice in writing. The employer and his or her workers shall be subject to all the provisions of this title and entitled to all of the benefits thereof: PROVIDED, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action. Any employer who has complied with this section may withdraw his or her acceptance of liability under this title by filing written notice with the director of the withdrawal of his or her acceptance. Such withdrawal shall become effective thirty days after the filing of such notice or on the date of the termination of the security for payment of compensation, whichever last occurs. The employer shall, at least thirty days before the effective date of the withdrawal, post reasonable notice of such withdrawal where the affected worker or workers work and shall otherwise notify personally the affected workers. Withdrawal of acceptance of this title shall not affect the liability of the department or self-insurer for compensation for any injury occurring during the period of acceptance.

The department shall have the power to cancel the elective adoption coverage if any required payments or reports have not been made. Cancellation by the department shall be no later than thirty days from the date of notice in writing by the department advising of cancellation being made.

Sec. 6. RCW 50.04.140 and 1945 c 35 s 15 are each amended to read as follows:

Services performed by an individual for remuneration shall be deemed to be employment subject to this title unless and until it is shown to the satisfaction of the commissioner that:

(1)(a) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

((2)) (b) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed; and

((3)) (c) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service.

(2) Or as a separate alternative, it shall not constitute employment subject to this title if it is shown that:

(a) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his or her contract of service and in fact; and

(b) Such service is either outside the usual course of business for which such service is performed, or that such service is performed outside of all the places of business of the enterprises for which such service is performed, or the individual is responsible, both under the contract and in fact, for the costs of the principal place of business from which the service is performed; and

(c) Such individual is customarily engaged in an independently established trade, occupation, profession, or business, of the same nature as that involved in the contract of service, or such individual has a principal place of business for the work the individual is conducting that is eligible for a business deduction for federal income tax purposes; and

(d) On the effective date of the contract of service, such individual is responsible for filing at the next applicable filing period, both under the contract of service and in fact, a schedule of expenses with the internal revenue service for the type of business the individual is conducting; and

(e) On the effective date of the contract of service, or within a reasonable period after the effective date of the contract, such individual has established an account with the department of revenue, and other state agencies as required by the particular case, for the business the individual is conducting for the payment of all state taxes normally paid by employers and businesses and has registered for and received a unified business identifier number from the state of Washington; and

(f) On the effective date of the contract of service, such individual is maintaining a separate set of books or records that reflect all items of income and expenses of the business which the individual is conducting."

Sec. 7. RCW 50.04.230 and 1947 c 5 s 24 are each amended to read as follows:

The term "employment" shall not include service performed by an insurance agent, insurance broker, or insurance solicitor or a real estate broker or a real estate salesman to the extent he or she is compensated by commission and service performed by an investment company agent or solicitor to the extent he or she is compensated by commission ~~(, the [The]).~~ The term "investment company", as used in this ~~(subsection {section},)~~ section is to be construed as meaning an investment company as defined in the act of congress entitled "Investment Company Act of 1940."

NEW SECTION. Sec. 8. RCW 51.12.115 and 1981 c 128 s 5 are each repealed.

NEW SECTION. Sec. 9. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of

the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 10. This act shall take effect January 1, 1992.

Representatives Heavey and Fuhrman spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Heavey and Lisk to the title was adopted:

On page 1, line 1 of the title, after "coverage;" strike the remainder of the title and insert "amending RCW 51.08.070, 51.08.180, 51.12.020, 51.12.110, 50.04.140, and 50.04.230; adding a new section to chapter 51.08 RCW; repealing RCW 51.12.115; creating a new section; and providing an effective date."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Heavey spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Heavey yielded to question by Mr. Fuhrman.

Mr. Fuhrman: Are the new industrial insurance definitions of "employer" and "worker" and the new unemployment insurance definition of "employment" intended to replace the current definitions?

Mr. Heavey: No. The current definitions would still be applicable in most situations. This bill simply creates an alternative test which, if satisfied by the employment relationship, will provide the employer or contractor with some additional degree of certainty that the relationship will be treated the same under both chapters.

Mr. Fuhrman: Can an employee be exempted from industrial insurance coverage if the employee is elected or appointed a corporate officer without the employee's consent?

Mr. Heavey: No. Under this bill, an employee must voluntarily agree to be elected or appointed an officer of the corporation and must be a shareholder of the corporation to be exempted from industrial insurance coverage.

Mr. Fuhrman: Is it the intent of the Legislature that the Department of Labor and Industries, the Board of Industrial Insurance Appeals and the courts look carefully at the exemptions for corporate officers and determine whether, in fact, the exempted officer is actually exercising control over the corporation's policies?

Mr. Heavey: Yes. Recently, the Board of Industrial Insurance Appeals upheld exemptions from industrial insurance coverage for corporate officers who held one share of stock and who apparently had no active involvement in the management of the corporation, although the officers were all workers for the corporation. This bill directs the agencies and courts to examine these corporate arrangements and protect workers who are not truly participating in corporate management.

This bill also excludes independent contractors from coverage if the contractor meets specified tests. Again, it is the Legislature's intent that these arrangements be bona fide independent contractor arrangements. It is not our intent that employers be permitted to evade the requirements to cover their workers by entering into "sham" agreements under either the corporate officer exemption or the independent contractor exclusion.

Mr. Fuhrman spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5837 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Van Loven - 01.

Engrossed Substitute Senate Bill No. 5837 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5156, by Senate Committee on Governmental Operations (originally sponsored by Senators McCaslin, Sutherland, Roach, Matson and Madsen)

Requiring election officers to review candidates' filings to determine residency.

The bill was read the second time.

Mr. Anderson moved adoption of the following amendment:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 29.18 RCW to read as follows:

(1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing, possess the qualifications specified by law for persons who may be elected to the office.

(2) The name of a candidate for an office shall not appear on a ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations and affidavits of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(3) This section does not apply to the office of a member of the United States congress.

NEW SECTION. Sec. 2. A new section is added to chapter 29.04 RCW to read as follows:

(1) The legislative authority of each county and each city, town, and special purpose district which lies entirely within the county shall provide the county auditor accurate information describing its geographical boundaries and the boundaries of its director, council, or commissioner districts and shall ensure that the information provided to the auditor is kept current.

(2) A city, town, or special purpose district that lies in more than one county shall provide the secretary of state accurate information describing its geographical boundaries and the boundaries of its director, council, or commissioner districts and shall ensure that the information provided to the secretary is kept current. The secretary of state shall promptly transmit to each county in which a city, town, or special purpose district is located information regarding the boundaries of that jurisdiction which is provided to the secretary.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act are each recodified as sections in chapter 29.15 RCW on July 1, 1992.

Representatives Anderson and McLean spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Anderson to the title was adopted:

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "adding a new section to chapter 29.18 RCW; adding a new section to chapter 29.04 RCW; adding new sections to chapter 29.15 RCW; and recodifying RCW 29.18.--- and 29.04.---."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5156 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Van Luven - 01.

Engrossed Substitute Senate Bill No. 5156 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5684, by Senators West, Niemi and Johnson; by request of Department of Health

Requiring certain nonresident pharmacies to be licensed.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Braddock moved adoption of the committee amendments and spoke in favor of them. The committee amendments were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Braddock spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5684 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson,

O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Van Luven - 01.

Senate Bill No. 5684 as amended by the House, having received the constitutional majority, was declared passed.

SENATE BILL NO. 5722, by Senators Oke and Owen; by request of Department of Natural Resources

Providing a department-wide interest policy for the department of natural resources.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Scott and Beck spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5722, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Van Luven - 01.

Senate Bill No. 5722, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed Substitute Senate Bill No. 5756 and that the bill hold its place on the second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5824, by Senators Saling, Stratton, Patterson and Bauer

Changing provisions relating to the funding of community college summer courses.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 85th Day, April 8, 1991.)

Ms. Spanel moved adoption of the committee amendment.

Mr. Ferguson moved adoption of the following amendment by Representatives Ferguson, Forner, Wood, Silver, Vance, Mitchell, Brough, Betzoff and May to the committee amendment:

On page 1, line 8 of the amendment, strike "two percent" and insert "four percent"

Representatives Ferguson spoke in favor of adoption of the amendment to the committee amendment, and Mr. Jacobson spoke against it. Representatives Bowman, May, Paris, Forner and Horn spoke in favor of adoption of the amendment to the committee amendment, and Representatives Locke spoke against it. Mr. Jacobsen again opposed the amendment to the committee amendment. The amendment to the committee amendment was not adopted.

Mr. Ludwig moved adoption of the following amendment to the committee amendment:

On page 1, beginning on line 18, strike all of subsection 2(c) and insert the following:

"(c) Any community college that in 1990-91 has excess enrollment above the authorized variance, by means of enrollments that otherwise would have been eligible for state funding, shall not increase its excess enrollment above the 1990-91 level. The community college need not reduce such excess enrollments until additional state-funded enrollments are allocated to the college, at which time, each additional state-funded enrollment shall replace one excess enrollment, until excess enrollments are within the authorized variance."

Mr. Ludwig spoke in favor of adoption of the amendment to the committee amendment, and Mr. Jacobsen spoke against it. The amendment to the committee amendment was adopted.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Jacobsen to the committee amendment:

On page 2, line 2 after "(d)" strike "Should" and insert "Except as permitted by subsection (2)(c) of this section, should"

Mr. Locke spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5824 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Berozoff, Bowman, Forner, Holland, Miller - 05.

Excused: Representative Van Luven - 01.

Engrossed Senate Bill No. 5824 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

MOTION

Mr. Dorn moved that the House immediately resume consideration of Senate Bill No. 5475 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

SENATE BILL NO. 5475, by Senators Bauer, Saling, Rinehart, Bailey and Murray

Authorizing honorary degrees.

MOTION FOR RECONSIDERATION

Mr. Jacobsen, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the striking amendment by Representatives Jacobsen and Prince was adopted by the House. The motion was carried.

RECONSIDERATION

The Speaker stated the question before the House to be adoption of the striking amendment by Representatives Jacobsen and Prince.

Mr. Jacobsen spoke against adoption of the amendment, and it was not adopted.

With consent of the House, the committee amendment by Committee on Higher Education to the title was adopted.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5475 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Van Luven - 01.

Senate Bill No. 5475 as amended by the House, having received the constitutional majority, was declared passed.

Representative Van Luven appeared at the bar of the House.

SECOND SUBSTITUTE SENATE BILL NO. 5830, by Senate Committee on Ways & Means (originally sponsored by Senators Stratton, Erwin, Rasmussen, Williams, Talmadge, Wojahn, Vognild, Pelz, Snyder and Owen)

Creating gang risk intervention pilot programs.

The bill was read the second time.

Mr. Vance moved adoption of the following amendment by Representatives Vance, Ludwig, Tate and Padden:

On page 9, after line 16, insert:

NEW SECTION. Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Pattern of criminal gang activity" means the commission, attempted commission, or solicitation of two or more felony or misdemeanor offenses, provided at least one of those offenses occurred after the effective date of this act and the last of those offenses occurred within one year after a prior offense, and the offenses are committed on separate occasions, or by two or more persons.

(2) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, that has a common name or common identifying sign or symbol and that has committed one or more criminal offense.

NEW SECTION. Sec. 15. (1) It is a gross misdemeanor for any person to participate actively in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity. For purposes of this chapter "actively participate" means the commission of an offense punishable as a misdemeanor or a felony, which is committed for the benefit of, at the direction of, or in association with, any criminal street gang or with the specific intent to promote, further, or assist in any criminal conduct by members of that gang.

(2) It is a gross misdemeanor for any person willfully to promote, further, assist, or profit from any criminal conduct by members of a criminal street gang.

NEW SECTION. Sec. 16. (1) Any person who is convicted of a felony that is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, be sentenced in accordance with RCW 9.94A.310. An additional thirty-six months shall be added to the presumptive sentence for any ranked offense if the offender is found to have committed the offense in connection with criminal street gang activity as provided for in this act.

NEW SECTION. Sec. 17. Sections 14 through 16 of this act shall constitute new sections in Title 9 RCW.

Representatives Vance, Padden, Tate and Ludwig spoke in favor of adoption of the amendment, and Representatives Leonard, Heavey and Wineberry spoke against it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

Representatives Appelwick, R. Meyers and Franklin spoke against adoption of the amendment, and Mr. Vance again spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 9, after line 16, by Representative Vance and others to Second Substitute Senate Bill No. 5830, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Fisher, G., Former, Grant, Heavey, Holland, Horn, Inslee, Johnson P., Lisk, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Orr, Padden, Paris, Rayburn, Riley,

Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 48.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, R., Franklin, Fraser, Fuhman, Hargrove, Haugen, Hine, Hochstatter, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 50.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5830, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5830, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House defer consideration of Second Substitute Senate Bill No. 5882 and that the bill hold its place on the second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5916, by Senate Committee on Children & Family Services (originally sponsored by Senators Roach, Talmadge, L. Smith and Stratton)

Changing foster care provisions and providing a grievance process.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Ms. Leonard moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Leonard and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5916 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5916 as amended by the House, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8006, by Senators Madsen, Bauer, A. Smith and McCaslin

Asking the department of defense to send our thanks to operation desert storm troops from Washington.

The memorial was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 5, 1991.)

Mr. Anderson moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8006 as amended by the House, and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Senate Joint Memorial No. 8006 as amended by the House, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8012, by Senators Talmadge, Conner, Metcalf, Thorsness, McMullen, Oke and Craswell

Petitioning the United States state department to appeal to British Columbia to stem the flow of raw sewage into the strait of Juan de Fuca.

The memorial was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Rust, Jones, Fuhrman, Jacobsen and Hine spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8012, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Holland - 01.

House Joint Memorial No. 8012, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Substitute Senate bill No. 5756 on the regular second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5756, by Senators Hayner, Jesernig and Thorsness; by request of Utilities & Transportation Commission

Providing rate regulation for low-level waste sites. spoke in favor of passage of the bill.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Grant moved that the House do not adopt the committee amendment. Mr. Grant spoke in favor of the motion, and it was carried.

Mr. Grant moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. State and national policy directs that the management of low-level radioactive waste be accomplished by a system of interstate compacts and the development of regional disposal sites. The Northwest regional compact, comprised of the states of Alaska, Hawaii, Idaho, Montana, Oregon, Utah, and Washington, has as its disposal facility the low-level radioactive waste disposal site located near Richland, Washington. This site is expected to be the sole site for disposal of low-level radioactive waste for compact members effective January 1, 1993. Future closure of this site will require significant financial resources.

Low-level radioactive waste is generated by essential activities and services that benefit the citizens of the state. Washington state's low-level radioactive waste disposal site has been used by the nation and the Northwest compact as a disposal site since 1965. The public has come to rely on access to this site for disposal of low-level radioactive waste, which requires separate handling from other solid and hazardous wastes. The price of disposing of low-level radioactive waste at the Washington state low-level radioactive waste disposal site is anticipated to increase when the federal low-level radioactive waste policy amendments act of 1985 is implemented and waste generated outside the Northwest compact states is excluded.

When these events occur, to protect Washington and other Northwest compact states' businesses and services, such as electrical production, medical and university research, and private industries, upon which the public relies, there will be a need to regulate the rates charged by the operator of Washington's low-level radioactive waste disposal site. This chapter is adopted pursuant to section 8, chapter 21, Laws of 1990.

NEW SECTION. Sec. 2. Definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington utilities and transportation commission.

(2) "Effective rate" means the highest permissible rate, calculated as the lowest contract rate plus an administrative fee, if applicable, determined pursuant to section 5 of this act.

(3) "Extraordinary volume" means volumes of low-level radioactive waste delivered to a site caused by nonrecurring events, outside normal operations of a generator, that are in excess of twenty thousand cubic feet or twenty percent of the preceding year's total volume at such site, whichever is less.

(4) "Extraordinary volume adjustment" means a mechanism that allocates the potential rate reduction benefits of an extraordinary volume between all generators and the generator responsible for such extraordinary volume as described in section 8 of this act.

(5) "Generator" means a person, partnership, association, corporation, or any other entity whatsoever that, as a part of its activities, produces low-level radioactive waste.

(6) "Inflation adjustment" means a mechanism that adjusts the maximum disposal rate by a percentage equal to the change in price levels in the preceding period, as measured by a common, verifiable price index as determined in section 5 of this act.

(7) "Initial rate proceeding" means the proceeding described in section 5 of this act.

(8) "Maximum disposal rate" means the rate described in section 6 of this act.

(9) "Site" means a location, structure, or property used or to be used for the storage, treatment, or disposal of low-level radioactive waste for compensation within the state of Washington.

(10) "Site operator" means a low-level radioactive waste site operating company as defined in RCW 81.04.010.

(11) "Volume adjustment" means a mechanism that adjusts the maximum disposal rate in response to material changes in volumes of waste deposited at the site during the preceding period so as to provide a level of total revenues sufficient to recover the costs to operate and maintain the site.

Sec. 3. RCW 81.04.010 and 1981 c 13 s 2 are each amended to read as follows:

As used in this title, unless specially defined otherwise or unless the context indicates otherwise:

"Commission" means the utilities and transportation commission.

"Commissioner" means one of the members of such commission.

"Corporation" includes a corporation, company, association or joint stock association.

"Low-level radioactive waste site operating company" includes every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling, or managing a low-level radioactive waste disposal site or sites located within the state of Washington.

"Low-level radioactive waste" means low-level waste as defined by RCW 43.145.010.

"Person" includes an individual, a firm or copartnership.

"Street railroad" includes every railroad by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for hire, being mainly upon, along, above or below any street, avenue, road, highway, bridge or public place within any one city or town, and includes all equipment, switches, spurs, tracks, bridges, right of trackage, subways, tunnels, stations, terminals and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such street railroad, within this state.

"Street railroad company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any street railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Railroad" includes every railroad, other than street railroad, by whatsoever power operated for public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad.

"Railroad company" includes every corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad or any cars or other equipment used thereon or in connection therewith within this state.

"Express company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, who shall engage in or transact the business of carrying any freight, merchandise or property for hire on the line of any common carrier operated in this state.

"Common carrier" includes all railroads, railroad companies, street railroads, street railroad companies, steamboat companies, express companies, car companies, sleeping car companies, freight companies, freight line companies, and every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town, owning, operating, managing or controlling any such agency for public use in the conveyance of persons or property for hire within this state.

"Vessel" includes every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state, excepting all towboats, tugs, scows, barges, and lighters, and excepting rowboats and sailing boats under twenty gross tons burden, open steam launches of five tons gross and under, and vessels under five tons gross propelled by gas, fluid, naphtha or electric motors.

"Steamboat company" includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.

"Transportation of property" includes any service in connection with the receiving, delivery, elevation, transfer in transit, ventilation, refrigeration, icing, storage and handling of the property transported, and the transmission of credit.

"Transportation of persons" includes any service in connection with the receiving, carriage and delivery of the person transported and his baggage and all facilities used, or necessary to be used in connection with the safety, comfort and convenience of the person transported.

"Public service company" includes every common carrier.

The term "service" is used in this title in its broadest and most inclusive sense.

NEW SECTION. Sec. 4. (1) The commission shall have jurisdiction over the sites and site operators as set forth in this chapter.

(2)(a) The commission shall establish rates to be charged by site operators. In establishing the rates, the commission shall assure that they are fair, just, reasonable, and sufficient considering the value of the site operator's leasehold and license interests, the unique nature of its business operations, the site operator's liability associated with the site, its investment incurred over the term of its operations, and the rate of return equivalent to that earned by comparable enterprises. The rates shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

(b) In exercising the power in this subsection the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at the objective of prescribing and authorizing fair, just, reasonable, and sufficient rates. The relation of site operator expenses to site operator revenues may be deemed the proper test of a reasonable return.

(3) In all respects in which the commission has power and authority under this chapter, applications and complaints may be made and filed with it, process issued, hearings held, opinions, orders, and decisions made and filed, petitions for rehearing filed and acted upon, and petitions for review to the superior court filed therewith, appeals filed with the appellate courts of this state, considered and disposed of by said courts in the manner, under the conditions, and subject to the limitations, and with the effect specified in this title for public service companies generally.

(4) At any time after January 1, 1992, the commission may: (a) Prescribe a system of accounts for site operators using as a starting point the existing system used by site operators; (b) audit the books of site operators; (c) obtain books and records from site operators; (d) assess penalties; and (e) require semiannual reports regarding the results of operations for the site.

(5) The commission may adopt rules necessary to carry out its functions under this chapter.

NEW SECTION. Sec. 5. (1) On or before March 1, 1992, site operators shall file a request with the commission to establish an initial maximum disposal rate. The filing shall include, at a minimum, testimony, exhibits, workpapers, summaries, annual reports, cost studies, proposed tariffs, and other documents as required by the commission in rate cases generally under its jurisdiction.

(2) After receipt of a request, the commission shall set the request for a hearing and require the site operator to provide for notice to all known customers that ship or deliver waste to the site. The proceedings before the commission shall be conducted in accordance with chapter 34.05 RCW and rules of procedure established by the commission.

(3) No later than January 1, 1993, the commission shall establish the initial maximum disposal rates that may be charged by site operators.

(4) In the initial rate proceeding the commission also shall determine the factors necessary to calculate the inflation, volume, and extraordinary volume adjustments.

(5) The commission also shall determine the administrative fee, which shall be a percentage or an amount that represents increased administrative costs associated with acceptance of small volumes of waste by a site operator. The administrative fee may be revised by the commission from time to time upon its own motion or upon the petition of an interested person.

(6) The rates specified in this section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 6. (1) The maximum disposal rates that a site operator may charge generators shall be determined in accordance with this section. The rates shall include all charges for disposal services at the site.

(2) Initially, the maximum disposal rates shall be the initial rates established pursuant to section 5 of this act.

(3) Subsequently, the maximum disposal rates shall be adjusted semiannually in January and July of each year to incorporate inflation and volume adjustments. Such adjustments shall take effect thirty days after filing with the commission unless the commission authorizes that the adjustments take effect earlier, or the commission contests the calculation of the adjustments, in which case the commission may suspend the filing. A site operator shall provide notice to its customers concurrent with the filing.

(4)(a) Subsequently, a site operator may also file for revisions to the maximum disposal rates due to:

(i) Changes in any governmentally imposed fee, surcharge, or tax assessed on a volume or a gross revenue basis against or collected by the site operator, including site closure fees, perpetual care and maintenance fees, business and occupation taxes, site surveillance fees, leasehold excise taxes, commission regulatory fees, municipal taxes, and a tax or payment in lieu of taxes authorized by the state to compensate the county in which a site is located for that county's legitimate costs arising out of the presence of that site within that county; or

(ii) Factors outside the control of the site operator such as a material change in regulatory requirements regarding the physical operation of the site.

(b) Revisions to the maximum disposal rate shall take effect thirty days after filing with the commission unless the commission suspends the filing or authorizes the proposed adjustments to take effect earlier.

(5) Upon establishment of a contract rate pursuant to section 7 of this act for a disposal fee, the site operator may not collect a disposal fee that is greater than the effective rate. The effective rate shall be in effect so long as such contract rate remains in effect. Adjustments to the maximum disposal rates may be made during the time an effective rate is in place. Contracts for disposal of extraordinary volumes pursuant to section 8 of this act shall not be considered in determining the effective rate.

(6) The site operator may petition the commission for new maximum disposal rates at any time. Upon receipt of such a petition, the commission shall set the matter for hearing and shall issue an order within seven months of the filing of the petition. The petition shall be accompanied by the documents required to accompany the filing for initial rates. The hearing on the petition shall be conducted in accordance with the commission's rules of practice and procedure.

(7) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 7. (1) At any time, a site operator may contract with any person to provide a contract disposal rate lower than the maximum disposal rate.

(2) A contract or contract amendment shall be submitted to the commission for approval at least thirty days before its effective date. The commission may approve the contract or suspend the contract and set it for hearing. If the commission takes no action within thirty days of filing, the contract or amendment shall go into effect according to its terms. Each contract filing shall be accompanied with documentation to show that the contract does not result in discrimination between generators receiving like and contemporaneous service under substantially similar circumstances and provides for the recovery of all costs associated with the provision of the service.

(3) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 8. (1) In establishing the extraordinary volume adjustment, unless the site operator and generator of the extraordinary volume agree to a contract disposal rate, one-half of the extraordinary volume delivery shall be priced at the maximum disposal rate and one-half shall be priced at the site operator's incremental cost to receive the delivery. Such incremental cost shall be determined in the initial rate proceeding.

(2) For purposes of the subsequent calculation of the volume adjustment, one-half of the total extraordinary volume shall be included in the calculation.

(3) This section shall only take effect following a finding that the site operator is a monopoly pursuant to section 11 of this act.

NEW SECTION. Sec. 9. (1) At any time, the commission or an interested person may file a complaint against a site operator alleging that the rates established pursuant to section 5 or 6 of this act are not in conformity with the standards set forth in section 4 of this act or that the site operator is otherwise not acting in conformity with the requirements of this chapter. Upon filing of the complaint, the commission shall cause

a copy of the complaint to be served upon the site operator. The complaining party shall have the burden of proving that the maximum disposal rates determined pursuant to section 6 of this act are not just, fair, reasonable, or sufficient. The hearing shall conform to the rules of practice and procedure of the commission for other complaint cases.

(2) The commission shall encourage alternate forms of dispute resolution to resolve disputes between a site operator and any other person regarding matters covered by this chapter.

NEW SECTION. Sec. 10. (1) A site operator shall, on or before May 1, 1992, and each year thereafter, file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one percent of the amount of the gross operating revenue, exclusive of site surveillance fees, perpetual care and maintenance fees, site closure fees, and state or federally imposed out-of-region surcharges.

(2) Fees collected under this chapter shall reasonably approximate the cost of supervising and regulating site operators. The commission may order a decrease in fees by March 1st of any year in which it determines that the moneys then in the radioactive waste disposal companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating site operators.

(3) Fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

NEW SECTION. Sec. 11. (1) A low-level waste disposal site operator is exempt as specified in sections 4(2)(a), 5(6), 6(7), 7(3), and 8(3) of this act unless a monopoly situation exists with respect to the site operated by such site operator. A monopoly situation exists if either of the following is present:

(a) No disposal facility is available to Northwest compact generators of low-level radioactive waste other than the site or sites operated by such site operator or its affiliates; or

(b) Disposal rates at other sites are not reasonable alternatives for Northwest compact generators, considering: Disposal rates at other facilities; current disposal rates charged by the site operator; historic relationships between the site operator's rates and rates at other facilities; and changes in the operator's rates considering changes in waste volumes, taxes, and fees. A monopoly situation does not exist if either of the following facilities operates or is projected to operate after December 31, 1992:

(i) Any existing low-level radioactive waste disposal site outside the state of Washington, other than facilities operated by affiliates of a site operator, provided that such site or sites do not charge disposal rates that discriminate against Northwest compact generators, except to the extent, through December 31, 1994, such discrimination is authorized by amendment of current federal law.

(ii) An existing facility within the Northwest compact not receiving low-level radioactive waste offers to receive such waste under substantially similar terms and conditions.

(2) The exemption shall be in effect until such time as the commission finds, after notice and hearing, upon motion by the commission or upon petition by any interested party, that a monopoly situation exists or will exist as of January 1, 1993. The finding shall be based upon application of the criteria set forth in this section. The commission may assess a site operator for all of the commission's costs of supervision and regulation prior to and relative to determining whether the exemption applies to the site operator. If the commission determines that a site operator is not subject to the exemption, it shall collect its costs of supervision and regulation under section 10 of this act.

(3) When an exemption is in effect, any increase in the rates charged by the operator effective January 1, 1993, for services other than the base rate for disposal of

solid material in packages of twelve cubic feet or less shall be no more than the percentage increase in the base rate in effect on January 1, 1993.

NEW SECTION. Sec. 12. (1) At any time after this chapter has been implemented with respect to a site operator, such site operator may petition the commission to be classified as competitive. The commission may initiate classification proceedings on its own motion. The commission shall enter its final order with respect to classification within seven months from the date of filing of a company's petition or the commission's motion.

(2) The commission shall classify a site operator as a competitive company if the commission finds, after notice and hearing, that the disposal services offered are subject to competition because the company's customers have reasonably available alternatives. In determining whether a company is competitive, the commission's consideration shall include, but not be limited to:

(a) Whether the system of interstate compacts and regional disposal sites established by federal law has been implemented so that the Northwest compact site located near Richland, Washington is the exclusive site option for disposal by customers within the Northwest compact states;

(b) Whether waste generated outside the Northwest compact states is excluded; and

(c) The ability of alternative disposal sites to make functionally equivalent services readily available at competitive rates, terms, and conditions.

(3) The commission may reclassify a competitive site operator if reclassification would protect the public interest as set forth in this section.

(4) Competitive low-level radioactive waste disposal companies shall be exempt from commission regulation and fees during the time they are so classified.

NEW SECTION. Sec. 13. Nothing in this chapter shall be construed to affect the jurisdiction of another state agency.

Sec. 14. RCW 82.16.010 and 1989 c 302 s 203 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of renting, leasing or operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation

business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010: PROVIDED, That "motor transportation business" shall not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business as defined in RCW 82.04.065 and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 15. RCW 82.04.260 and 1990 c 21 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect

to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of twenty-five one-hundredths of one percent through June 30, 1986, and one-eighth of one percent thereafter.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt,

delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of fifteen percent.

(a) The rate specified in this subsection shall be reduced to ten percent (~~upon the effective date of legislation adopted pursuant to RCW 81.04.520 governing regulation of the business of low-level radioactive waste disposal~~) on the effective date of this section.

(b) The rate specified in this subsection shall be further reduced to five percent on January 1, 1992 (~~(, if (a) of this subsection has taken effect)~~).

(c) The rate specified in this subsection shall be further reduced to three percent on July 1, 1993.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

NEW SECTION. Sec. 16. A new section is added to chapter 43.200 RCW to read as follows:

The director of the department of ecology shall require that generators of waste pay a fee for each cubic foot of waste disposed at any facility in the state equal to six dollars and fifty cents. The fee shall be imposed specifically on the generator of the waste and shall not be considered to apply in any way to the low-level site operator's disposal activities. The fee shall be allocated in accordance with sections 17 and 18 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 43.200 RCW to read as follows:

A portion of the surcharge received under section 16 of this act shall be remitted monthly to the county in which the low-level radioactive waste disposal facility is located in the following manner:

- (1) During 1993, six dollars and fifty cents per cubic foot of waste;
- (2) During 1994, three dollars and twenty-five cents per cubic foot of waste; and
- (3) During 1995 and thereafter, two dollars per cubic foot of waste.

NEW SECTION. Sec. 18. A new section is added to chapter 43.200 RCW to read as follows:

Except for moneys that may be remitted to a county in which a low-level radioactive waste disposal facility is located, all surcharges authorized under section 16 of this act shall be deposited in the fund created in section 19 of this act.

NEW SECTION. Sec. 19. A new section is added to chapter 43.31 RCW to read as follows:

The Hanford area economic investment fund is established in the custody of the state treasurer. Moneys in the fund shall only be used pursuant to the recommendations of the committee created in section 20 of this act and the approval of the director of the department of trade and economic development for Hanford area revolving loan funds, Hanford area infrastructure projects, or other Hanford area economic development and diversification projects, but may not be used for government or nonprofit organization operating expenses. Up to five percent of moneys in the fund may be used for program administration. For the purpose of this chapter "Hanford area" means Benton and

Franklin counties. Disbursements from the fund shall be on the authorization of the director of trade and economic development or the director's designee after an affirmative vote of at least nine members of the committee created in section 20 of this act on any recommendations by the committee created in section 20 of this act. The fund is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for disbursements. The legislature intends to establish similar economic investment funds for areas that develop low-level radioactive waste disposal facilities.

NEW SECTION. Sec. 20. A new section is added to chapter 43.31 RCW to read as follows:

The Hanford area economic investment fund committee staffed by the local associate development organization is hereby established.

(1) The committee shall have eleven members. The governor shall appoint the members, in consultation with the Hanford area associate development organization and Hanford area elected officials, subject to the following requirements:

(a) All members shall either reside or be employed within the Hanford area;

(b) The committee shall have a balanced membership representing one member each from the elected leadership of Benton county, Franklin county, the city of Richland, the city of Kennewick, the city of Pasco, a Hanford area port district, the labor community, and four members from the Hanford area business and financial community.

(c) Careful consideration shall be given to assure minority representation on the committee.

(2) Each member appointed by the governor shall serve a term of three years, except that of the members first appointed, four shall serve two-year terms and four shall serve one-year terms. A person appointed to fill a vacancy of a member shall be appointed in a like manner and shall serve for only the unexpired term. A member is eligible for reappointment. A member may be removed by the governor for cause.

(3) The governor shall designate a member of the committee as its chairperson. The committee may elect such other officers as it deems appropriate. Nine members of the committee constitute a quorum and nine affirmative votes are necessary for the transaction of business or the exercise of any power or function of the committee.

(4) The members shall serve without compensation, but are entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties in accordance with RCW 43.03.050 and 43.03.060.

(5) Members shall not be liable to the state, to the fund, or to any other person as a result of their activities, whether ministerial or discretionary, as members except for willful dishonesty or intentional violations of law. The department may purchase liability insurance for members and may indemnify these persons against the claims of others.

NEW SECTION. Sec. 21. A new section is added to Chapter 43.31 RCW to read as follows:

The Hanford area economic investment fund committee created under section 20 of this act may:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

(2) Utilize the services of other governmental agencies;

(3) Accept from any federal or state agency loans or grants for the purposes of funding Hanford area revolving loan funds, Hanford area infrastructure projects, or Hanford area economic development projects;

(4) Recommend to the director rules for the administration of the program, including the terms and rates pertaining to its loans, and criteria for awarding grants, loans, and financial guarantees;

(5) Recommend to the director a spending strategy for the moneys in the fund created in section 19 of this act. The strategy shall include five and ten year goals for economic development and diversification for use of the moneys in the Hanford area; and

(6) Recommend to the director no more than two allocations eligible for funding per calendar year, with a first priority on Hanford area revolving loan projects, and Hanford area infrastructure allocations followed by other Hanford area economic development and diversification projects if the committee finds that there are no suitable allocations in the priority allocations described in this section.

NEW SECTION. Sec. 22. Sections 1, 2, and 4 through 13 of this act shall constitute a new chapter in Title 81 RCW.

Sec. 23. RCW 82.29A.020 and 1986 c 285 s 1 are each amended to read as follows:

As used in this chapter the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Leasehold interest" shall mean an interest in publicly owned real or personal property which exists by virtue of any lease, permit, license, or any other agreement, written or verbal, between the public owner of the property and a person who would not be exempt from property taxes if that person owned the property in fee, granting possession and use, to a degree less than fee simple ownership: PROVIDED, That no interest in personal property (excluding land or buildings) which is owned by the United States, whether or not as trustee, or by any foreign government shall constitute a leasehold interest hereunder when the right to use such property is granted pursuant to a contract solely for the manufacture or production of articles for sale to the United States or any foreign government. The term "leasehold interest" shall include the rights of use or occupancy by others of property which is owned in fee or held in trust by a public corporation, commission, or authority created under RCW 35.21.730 or 35.21.660 if the property is listed on or is within a district listed on any federal or state register of historical sites. The term "leasehold interest" shall not include road or utility easements or rights of access, occupancy or use granted solely for the purpose of removing materials or products purchased from a public owner or the lessee of a public owner.

(2) "Taxable rent" shall mean contract rent as defined in subsection (a) of this subsection in all cases where the lease or agreement has been established or renegotiated through competitive bidding, or negotiated or renegotiated in accordance with statutory requirements regarding the rent payable, or negotiated or renegotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor: PROVIDED, That after January 1, 1986, with respect to any lease which has been in effect for ten years or more without renegotiation, taxable rent may be established by procedures set forth in subsection (b) of this subsection. All other leasehold interests shall be subject to the determination of taxable rent under the terms of subsection (b) of this subsection.

For purposes of determining leasehold excise tax on any lands on the Hanford reservation subleased to a private or public entity by the department of ecology, taxable rent shall include only the annual cash rental payment made by such entity to the department of ecology pursuant to RCW 43.200.080 and shall not include any other fees, assessments, or charges imposed on or collected by such entity.

(a) "Contract rent" shall mean the amount of consideration due as payment for a leasehold interest, including: The total of cash payments made to the lessor or to another party for the benefit of the lessor according to the requirements of the lease or agreement, including any rents paid by a sublessee; expenditures for the protection of the lessor's interest when required by the terms of the lease or agreement; and expenditures for improvements to the property to the extent that such improvements become the property of the lessor. Where the consideration conveyed for the leasehold interest is made in combination with payment for concession or other rights granted by the lessor, only that portion of such payment which represents consideration for the leasehold interest shall be part of contract rent.

"Contract rent" shall not include: (i) Expenditures made by the lessee, which under the terms of the lease or agreement, are to be reimbursed by the lessor to the lessee or expenditures for improvements and protection made pursuant to a lease or an agreement which requires that the use of the improved property be open to the general public and that no profit will inure to the lessee from the lease; (ii) expenditures made by the lessee for the replacement or repair of facilities due to fire or other casualty including payments for insurance to provide reimbursement for losses or payments to a public or private entity for protection of such property from damage or loss or for alterations or additions made necessary by an action of government taken after the date of the execution of the lease or agreement; (iii) improvements added to publicly owned property by a sublessee under an agreement executed prior to January 1, 1976, which have been taxed as personal property of the sublessee prior to January 1, 1976, or improvements made by a sublessee of the same lessee under a similar agreement executed prior to January 1, 1976, and such improvements shall be taxable to the sublessee as personal property; (iv) improvements added to publicly owned property if such improvements are being taxed as personal property to any person.

Any prepaid contract rent shall be considered to have been paid in the year due and not in the year actually paid with respect to prepayment for a period of more than one year. Expenditures for improvements with a useful life of more than one year which are included as part of contract rent shall be treated as prepaid contract rent and prorated over the useful life of the improvement or the remaining term of the lease or agreement if the useful life is in excess of the remaining term of the lease or agreement. Rent prepaid prior to January 1, 1976, shall be prorated from the date of prepayment.

With respect to a "product lease", the value of agricultural products received as rent shall be the value at the place of delivery as of the fifteenth day of the month of delivery; with respect to all other products received as contract rent, the value shall be that value determined at the time of sale under terms of the lease.

(b) If it shall be determined by the department of revenue, upon examination of a lessee's accounts or those of a lessor of publicly owned property, that a lessee is occupying or using publicly owned property in such a manner as to create a leasehold interest and that such leasehold interest has not been established through competitive bidding, or negotiated in accordance with statutory requirements regarding the rent payable, or negotiated under circumstances, established by public record, clearly showing that the contract rent was the maximum attainable by the lessor, the department may establish a taxable rent computation for use in determining the tax payable under authority granted in this chapter based upon the following criteria: (i) Consideration shall be given to rental being paid to other lessors by lessees of similar property for similar purposes over similar periods of time; (ii) consideration shall be given to what would be considered a fair rate of return on the market value of the property leased less reasonable deductions for any restrictions on use, special operating requirements or provisions for concurrent use by the lessor, another person or the general public.

(3) "Product lease" as used in this chapter shall mean a lease of property for use in the production of agricultural or marine products to the extent that such lease provides for the contract rent to be paid by the delivery of a stated percentage of the production of such agricultural or marine products to the credit of the lessor or the payment to the lessor of a stated percentage of the proceeds from the sale of such products.

(4) "Renegotiated" means a change in the lease agreement which changes the agreed time of possession, restrictions on use, the rate of the cash rental or of any other consideration payable by the lessee to or for the benefit of the lessor, other than any such change required by the terms of the lease or agreement. In addition "renegotiated" shall mean a continuation of possession by the lessee beyond the date when, under the terms of the lease agreement, the lessee had the right to vacate the premises without any further liability to the lessor.

(5) "City" means any city or town.

NEW SECTION. Sec. 24. (1) Sections 1 through 15 and 22 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Sections 1 through 14 and 22 of this act shall take effect July 1, 1991, and section 15 of this act shall take effect immediately.

(2) Sections 16 through 21 and 23 of this act shall take effect January 1, 1993.

Mr. Grant moved adoption of the following amendment to the amendment:

On page 21, line 29, after "act." insert "This subsection shall be invalidated and the authorization to collect a surcharge removed if the legislature or any administrative agency of the state of Washington prior to January 1, 1993, (1) imposes fees, assessments, or charges other than perpetual care and maintenance, site surveillance, and site closing fees currently applicable to the Hanford commercial low-level waste site operator's activities, or (2) imposes any additional fees, assessments, or charges on generators using the Hanford commercial low-level waste site, or (3) increases any existing fees, assessments, or charges."

Mr. Grant spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Grant moved adoption of the following amendments to the amendment:

On page 23, line 5, after "least" strike "nine" and insert "six"

On page 24, line 10, after "appropriate." strike "Nine" and insert "Six"

On page 24, at the beginning of line 11, strike "nine" and insert "six"

Representatives Grant and May spoke in favor of adoption of the amendments, and they were adopted.

Mr. Grant moved adoption of the following amendment to the amendment:

On page 25, line 13, after "loan" strike "projects" and insert "allocations"

Mr. Grant spoke in favor of adoption of the amendment to the amendment, and it was adopted.

Mr. Grant moved adoption of the following amendment to the amendment:

On page 27, line 8, after "ecology" strike "pursuant to RCW 43.200.080 and shall not include any other fees, assessments, or charges imposed on or collected by such entity." and insert "as specifically referred to as rent in the sublease agreement between the parties and shall not include any other fees, assessments, or charges imposed on or collected by such entity irrespective of whether the private or public entity pays or collects such other fees, assessments, or charges as specified in the sublease agreement."

Mr. Grant spoke in favor of adoption of the amendment to the amendment, and it was adopted.

The amendment as amended was adopted.

With consent of the House, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "sites;" strike the remainder of the title and insert "amending RCW 81.04.010, 82.16.010, 82.04.260, and 82.29A.020; adding a new chapter to Title 81 RCW; adding new sections to chapter 43.200 RCW; adding new sections to chapter 43.31 RCW; providing effective dates; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5756 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky - 97.

Voting nay: Representative and Mr. Speaker - 01.

Engrossed Substitute Senate Bill No. 5756 as amended by the House, having received the constitutional majority, was declared passed.

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

INTRODUCTION AND FIRST READING

ESB 5906 by Senators Rinehart, McCaslin and Talmadge

Relating to protecting persons seriously threatened by domestic violence by restricting disclosure of their names or addresses.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and the bill was advanced to second reading and read the second time in full.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Senate Bill No. 5906 and that the bill hold its place on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5494, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Johnson, Owen, Thorsness, Vognild, Sellar and Moore)

Changing remedies for collection of debts.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Appelwick moved adoption of the committee amendment.

Ms. Fraser moved adoption of the following amendment by Representatives Wang, Holland and Appelwick to the committee amendment:

On page 3 of the amendment, after line 5, insert:

"Sec. 3. RCW 82.32.050 and 1989 c 378 s 19 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until date of payment for tax liabilities arising before January 1, 1992. For tax liabilities arising after December 31, 1991, until the date of payment, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year. The department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide. ~~((If payment is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.))~~

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually, for the months of January, April, July, and October of the immediately preceding calendar year as published by the United States secretary of the treasury.

(3) No assessment or correction of an assessment for additional taxes due may be made by the department more than four years after the close of the tax year, except ~~((1))~~ (a) against a taxpayer who has not registered as required by this chapter, ~~((2))~~ (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or ~~((3))~~ (c) where a taxpayer has executed a written waiver of such limitation.

Sec. 4. RCW 82.32.060 and 1990 c 69 s 1 are each amended to read as follows:

If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes prescribed by RCW 82.32.050 a tax has been paid in excess of that properly due, the excess amount paid within such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at the taxpayer's option. No refund or credit shall be made for taxes paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 shall have any refunds paid by electronic funds transfer.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer. For refunds of amounts paid after December 31, 1991, the rate of interest shall be the rate as computed for assessments under RCW 82.32.050(2), less one percentage point.

Sec. 5. RCW 82.32.090 and 1987 c 502 s 9 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than ~~((two))~~ five dollars.

(2) If payment of any tax assessed by the department of revenue is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. No penalty so added shall be less than five dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than ~~((five))~~ ten dollars.

((Notwithstanding the foregoing.)) (4) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of fifteen percent of the amount of the additional tax found due because of the failure to follow such instructions. A taxpayer disregards specific written instructions when the department of revenue has informed it in writing of its tax obligations and the taxpayer fails to act in accordance

with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not issue the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department. Specific written instructions may be given as a part of a tax assessment, audit, determination, closing agreement, or through written correspondence to a taxpayer. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(5) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(6) The aggregate of penalties imposed under this ((chapter)) section for failure to ((file)) pay a tax due on a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed ((twenty-five)) thirty-five percent of the tax due, or ((seven)) twenty dollars, whichever is greater.

(7) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 3 through 5 of this act shall take effect January 1, 1992."

POINT OF ORDER

Mr. Padden: Thank you, Mr. Speaker. I would ask for a ruling on the scope and object of this amendment.

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Substitute Senate Bill No. 5494 and that the bill hold its place on the second reading calendar. The motion was carried.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 5052 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5052, by Senate Committee on Law & Justice (originally sponsored by Senators Moore, Nelson and Thorsness)

Concerning collection of public debts.

The bill was read the second time.

Ms. Fraser moved adoption of the following amendment by Representatives Wang, Van Luven and Appelwick:

On page 4, after line 6, insert:

NEW SECTION. Sec. 3. (1) The legislature finds that transfers of ownership of a corporation may be equivalent, in some circumstances, to the sale of real property held by the corporation. The legislature further finds that all transfers of possession or use of real property should be subject to the same excise tax burdens.

(2) The intent of this chapter is to apply an excise tax to transfers of corporate ownership when the transfer of ownership is comparable to a sale of real property. The excise tax imposed under this act is intended to be equivalent in burden to the excise tax imposed on sales of real estate under chapter 82.45 RCW.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Ownership transfer" means a transfer or series of transfers in any consecutive twelve-month period, for a valuable consideration, of ownership of stock possessing more than fifty percent of the total combined voting power of the issued and outstanding shares of each class of stock entitled to vote.

(2) "Value of real property assets" means the true and fair value in money, at the time an ownership transfer is completed, of any estate or interest in real property located in this state.

NEW SECTION. Sec. 5. (1) An excise tax is imposed on each ownership transfer of a corporation, to be paid by the corporation, at the rate of one and twenty-eight one-hundredths percent of the value of the real property assets of the corporation.

(2) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

NEW SECTION. Sec. 6. The tax imposed in this chapter does not apply to ownership transfers:

(1) When the taxpayer demonstrates by a preponderance of the evidence that the primary intent of the ownership transfer is for purposes other than avoidance of the tax imposed in chapter 82.45 RCW.

(2) When the value of the real property assets of the corporation is less than fifty percent of the true and fair value in money of all assets held by the corporation at the time of the ownership transfer.

(3) Of interests that are required to be registered with the federal securities and exchange commission under the securities act of 1933 or the securities exchange act of 1934.

(4) By gift, devise, or inheritance.

(5) From one spouse to the other in accordance with the terms of a decree of divorce or in fulfillment of a property settlement agreement incident thereto.

(6) Solely for the purpose of securing a debt.

(7) Upon execution of a judgment.

(8) To a corporation that is wholly owned by the transferor and/or the transferor's spouse or children. If such transferee corporation voluntarily transfers the ownership interest, or the real property represented by the ownership interest, or such transferor, spouse, or children voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (a) the transferor and/or the transferor's spouse or children, (b) a trust having the transferor and/or the transferor's spouse or children as the only beneficiaries at the time of the transfer to the trust, or (c) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or children, within five years after the original transfer to which this exemption applies, excise taxes shall become due and payable on the original transfer as otherwise provided by law.

NEW SECTION. Sec. 7. Sections 4 through 6 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 8. Sections 3 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Mr. Padden: Thank you, Mr. Speaker. I would ask for a ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Padden, the Speaker has examined Substitute Senate Bill No. 5052 and the amendment. I find your point is well taken. The amendment is outside the scope and object of the original bill.

The Clerk read the following amendment by Representative Wang, Holland and Appelwick:

On page 4, after line 6, insert:

"Sec. 3. RCW 82.32.050 and 1989 c 378 s 19 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until date of payment for tax liabilities arising before January 1, 1992. For tax liabilities arising after December 31, 1991, until the date of payment, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year. The department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide. ((If payment is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.))

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually, for the months of January, April, July, and October of the immediately preceding calendar year as published by the United States secretary of the treasury.

(3) No assessment or correction of an assessment for additional taxes due may be made by the department more than four years after the close of the tax year, except (((4))) (a) against a taxpayer who has not registered as required by this chapter, (((2))) (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (((3))) (c) where a taxpayer has executed a written waiver of such limitation.

Sec. 4. RCW 82.32.060 and 1990 c 69 s 1 are each amended to read as follows:

If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes prescribed by RCW 82.32.050 a tax has been paid in excess of that properly due, the

excess amount paid within such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at the taxpayer's option. No refund or credit shall be made for taxes paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 shall have any refunds paid by electronic funds transfer.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer. For refunds of amounts paid after January 1, 1992, the rate of interest shall be the rate as computed for assessments under RCW 82.32.050(2), less one percentage point.

Sec. 5. RCW 82.32.090 and 1987 c 502 s 9 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than ~~((two))~~ five dollars.

(2) If payment of any tax assessed by the department of revenue is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. No penalty so added shall be less than five dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than ~~((five))~~ ten dollars.

(Notwithstanding the foregoing,) (4) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of fifteen percent of the amount of the additional tax found due because of the failure to follow such instructions. A taxpayer disregards specific written instructions when the department of revenue has informed it in writing of its tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not issue the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the

department. Specific written instructions may be given as a part of a tax assessment, audit, determination, closing agreement, or through written correspondence to a taxpayer. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may be subject to the penalties imposed by this subsection.

(5) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(6) The aggregate of penalties imposed under this ((chapter)) section for failure to ((file)) pay a tax due on a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed ((twenty-five)) thirty-five percent of the tax due, or ((seven)) twenty dollars, whichever is greater.

(7) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 3 through 5 of this act shall take effect January 1, 1992."

With consent of the House, Representative Wang withdrew the amendment.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5052, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 3, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Phillips, Rasmussen, Silver - 03.

Substitute Senate Bill No. 5052, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please have the record reflect that we were present on the floor and available to vote on final passage of Substitute Senate Bill No. 5052, but the electronic voting machine was closed before we could vote. We were not absent.

LARRY PHILLIPS, 36th District.

MARILYN RASMUSSEN, 2nd District.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5494, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Johnson, Owen, Thorsness, Vognild, Sellar and Moore)

Changing remedies for collection of debts.

The House resumed consideration of Engrossed Substitute Senate Bill No. 5494 on second reading. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative Padden regarding the scope and object of the amendment on page 3, after line 5, by Representative Wang and others to the committee amendment by Committee on Judiciary.

SPEAKER'S RULING

The Speaker: Representative Padden, having examined both the underlying Senate Bill and the amendment by Representative Wang and others, I find that your point is well taken. The amendment is outside the scope and object of the original bill.

The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5494 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 3, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell,

Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Heavey, Hine, Ludwig - 03.

Absent: Representative Casada - 01.

Engrossed Substitute Senate Bill No. 5494 as amended by the House, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I vote "yes" on final passage of Engrossed Substitute Senate Bill No. 5494 as amended by the House.

SARAH CASADA, 25th District.

The Speaker called on Representative R. Meyers to preside.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 1152 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 1152, by Representatives Winsley, Leonard, Riley, Tate, Cole, Mitchell, Dorn, Wineberry, Scott, Rust, Roland, Valle, R. Johnson, Franklin and Anderson

Excluding certain child support from food stamp need and eligibility determination.

The bill was read the second time. Committee on Human Services recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 8, 1991.)

Ms. Leonard moved adoption of the committee amendment and spoke in favor of it. The committee amendment was adopted.

With consent of the House, the committee amendment to the title was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1152 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1152, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

MOTION

Mr. Ebersole moved that the House immediately consider Substitute Senate Bill No. 5266 on the regular second reading calendar. The motion was carried.

SUBSTITUTE SENATE BILL NO. 5266, by Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, McMullen, Owen and A. Smith)

Restructuring penalties for driving while suspended.

The bill was read the second time.

Mr. Ferguson moved adoption of the following amendment:

On page 15, after line 27, insert the following:

NEW SECTION. Sec. 12. A new section is added to chapter 46.16 RCW to read as follows:

(1) A motor vehicle owned and operated by a person whose driver's license is in a suspended or revoked status or whose privilege to operate a motor vehicle is suspended or revoked in this or any other state is subject to seizure and forfeiture and no property right exists in the vehicle except as follows:

(a) No vehicle used by a person as a common carrier in the transaction of business as a common carrier is subject to seizure and forfeiture under this section unless it appears that the owner or other person in charge of the vehicle is a consenting party or privy to a violation of this section;

(b) No vehicle is subject to seizure and forfeiture under this section by reason of an act or omission established by the owner of the vehicle to have been committed or omitted without the owner's knowledge or consent;

(c) A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(d) When the owner of a vehicle has been arrested under this chapter the vehicle in which the person is arrested is not subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest.

(2) A vehicle subject to forfeiture under this section may be seized by a law enforcement officer of this state upon process issued by a superior court having jurisdiction over the vehicle. Seizure of a vehicle without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this section;

(c) A law enforcement officer has probable cause to believe that the vehicle is directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the vehicle was used or is intended to be used in violation of this section.

(3) In the event of seizure under subsection (2) of this section, proceedings for forfeiture are commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the vehicle seized and the person in charge of it and any person having any known right or interest in it, including any community property interest, of the seizure and intended forfeiture of the seized vehicle. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the vehicle within forty-five days of the seizure, the person or persons shall be given a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee. A person asserting a claim or right may remove the matter to a court of competent jurisdiction if the value of the vehicle involved is more than five hundred dollars. The court to which the matter is to be removed shall be the district court when the value is ten thousand dollars or less. A hearing before the seizing agency and any appeal from the decision shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the hearing officer or court that the claimant is the present lawful owner or is lawfully entitled to possession of the vehicle.

(6) When a vehicle is forfeited under this section the seizing law enforcement agency may:

(a) Retain it for official use or, upon application by any law enforcement agency of this state, release the vehicle to the agency for the exclusive use of enforcing this title;

(b) (i) Sell the vehicle, in which case the proceeds shall be used for payment of all proper expenses of the investigation leading to the seizure and of the proceedings for

forfeiture and sale, including expenses of seizure, storage, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after the payment of all expenses shall be distributed as follows:

(A) Seventy-five percent shall be deposited in the general fund of the state, county, or city of the seizing law enforcement agency;

(B) Twenty-five percent shall be remitted to the state treasurer for deposit in the highway safety fund established in RCW 46.68.060;

(ii) Money deposited according to this section must be deposited within ninety days of the date of final disposition of either the administrative seizure or the judicial seizure; or

(c) Request the appropriate sheriff or director of public safety to take custody of the vehicle and remove it for disposition in accordance with law.

Mr. Ferguson spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Mr. Ferguson yielded to question by Mr. Appelwick.

Mr. Appelwick: Representative Ferguson, what happens if the vehicle that is being driven by the person is not owned by that person or has a lien on it or is community property? Is that still forfeited?

Mr. Ferguson: I'm glad you asked that question, Representative Appelwick. The bill is designed to protect anyone who has a lien on the vehicle. He or she does not lose it. It essentially deals with owner owned vehicles.

The amendment on page 15, after line 27, by Representative Ferguson was adopted.

With consent of the House, the following amendment by Representative Ferguson to the title was adopted:

On page 1, line 3 of the title, after "46.20.342;" insert "adding a new section to chapter 46.16 RCW;"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5266 as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 2, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R.,

Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Meyers, R., Schmidt - 02.

Substitute Senate Bill No. 5266 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5411, by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Bailey, Anderson, Hansen, Barr, McMullen, Conner and Skratek)

Making changes relating to flood damage.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Substitute Senate Bill No. 5411 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5827, by Senators West, McDonald and Niemi; by request of Office of Financial Management and Dept. of Social & Health Services

Revising provisions for the regulation of nursing homes.

The bill was read the second time.

Mr. Braddock moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.51.050 and 1989 c 372 s 1 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter, except that the department shall issue a temporary license to a court-appointed receiver for a period not to exceed six months from the date of appointment. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions or court-appointed receivers. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change. (~~The department shall conduct, without charge to~~

~~the nursing homes, one annual licensing and certification survey per calendar year and one postsurvey visit.~~

~~For all additional surveys required beyond the first postsurvey visit, nursing homes shall pay an inspection fee of twelve dollars per bed to the department. The inspection fee shall be due within thirty days of the completion date of the postsurvey.)~~ The department shall establish license fees at an amount adequate to reimburse the department in full for all costs of its licensing activities for nursing homes, adjusted to cover the department's cost of reimbursing such fees through medicaid.

All applications and fees for renewal of the license shall be submitted to the department not later than thirty days prior to the date of expiration of the license. All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. RCW 74.46.660 and 1980 c 177 s 66 are each amended to read as follows:

In order to participate in the prospective cost-related reimbursement system established by this chapter, the person or legal organization responsible for operation of a facility shall:

(1) Obtain a state certificate of need and/or federal capital expenditure review (section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR where required;

(2) Hold the appropriate current license;

(3) Hold current Title XIX certification;

(4) Hold a current contract to provide services under this chapter; ~~((and))~~

(5) Comply with all provisions of the contract and all application regulations, including but not limited to the provisions of this chapter; and

(6) Obtain and maintain medicare certification, under Title XVIII of the social security act, 42 U.S.C. Sec. 1395, as amended, for no less than fifteen percent of the facility's licensed beds.

Sec. 3. RCW 74.46.210 and 1980 c 177 s 21 are each amended to read as follows:

~~((All necessary and ordinary expenses a contractor incurs in providing care services will be allowable costs.))~~ All documented costs that are ordinary, necessary, and related to the care of medical care recipients and are not expressly unallowable will be allowable costs. These expenses include:

(1) Meeting licensing and certification standards;

(2) Meeting standards of providing regular room, nursing, ancillary, and dietary services, as established by department rule and regulation pursuant to chapter 211, Laws of 1979 ex. sess.; and

(3) Fulfilling accounting and reporting requirements imposed by this chapter.

Sec. 4. RCW 74.46.410 and 1989 c 372 s 2 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable

standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

(jj) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(kk) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(ll) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;

(mm) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions.

Sec. 5. RCW 74.46.481 and 1990 c 207 s 1 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care. For rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter and as tested for reasonableness within this section, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

- (a) The correlation between alternative measures and facility nursing staff; and
- (b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may choose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan [1989 1st ex. s. c 9]. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing

services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) Prospective rates for the nursing services cost center, for state fiscal year 1992 only, shall not be subject to the cost growth index lid in subsections (5), (6), and (7) of this section. The lid shall apply for state fiscal year 1991 rate setting and all state fiscal years subsequent to fiscal year 1992.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

~~((9))~~ (10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

~~((10))~~ (11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

- (a) Increases in acuity levels of contractors' residents;
- (b) Staffing patterns for similar facilities;
- (c) Physical plant of contractor; and
- (d) Survey, inspection of care, and department consultation results.

Séc. 6. RCW 74.46.530 and 1985 c 361 s 17 are each amended to read as follows:

(1) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .11, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an

amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. However, commencing with the rate effective July 1, 1992, and for all subsequent rate periods, the percentage to be multiplied by the total prospective rate for each facility shall be zero, one, two, or three percent. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (1)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual

facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(3) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 7. RCW 74.46.360 and 1989 c 372 s 14 are each amended to read as follows:

(1) For all partial or whole rate periods after December 31, 1984, the cost basis of land and depreciation base of depreciable assets shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation, if applicable, which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The cost basis of land and depreciation base of ((the)) depreciable assets will not exceed such fair market value.

(2) The historical cost of depreciable and nondepreciable donated assets, or of depreciable and nondepreciable assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where land or depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the cost basis or depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new cost basis or depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. For all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, depreciable or nondepreciable, occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to

July 18, 1984, and submitted to the department prior to January 1, 1988, the cost basis of allowable land and the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home dated prior to July 18, 1984, is enforceable, even though such agreement contains no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase;
or

(ii) To have the reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530(1) (e) and (f) based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) For all rate periods past or future where land or depreciable assets are acquired from a related organization, the contractor's cost basis and depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the land or depreciable asset is a donation or distribution between related organizations, the cost basis or depreciation base shall be the lesser of (i) fair market value, less salvage value, or (ii) the cost basis or depreciation base the related organization had or would have had for the asset under a contract with the department.

Sec. 8. RCW 74.46.700 and 1980 c 177 s 70 are each amended to read as follows:

~~((1))~~ Each ~~((contractor))~~ nursing home shall establish and maintain, as a service to the ~~((medical care recipient))~~ resident, a bookkeeping system incorporated into the business records for all ~~((recipient))~~ resident moneys entrusted to the contractor and received by the facility for the ~~((recipient))~~ resident.

~~((2))~~ Such system will apply to a recipient who is:

~~(a) Incapable of handling his or her own money and the department or the recipient's guardian, relative, or physician makes written request of the facility to accept this responsibility; or~~

~~(b) Capable of handling his or her own money, but requests the facility in writing to accept this responsibility.~~

~~(3) The written requests provided in subsection (2) of this section shall be maintained by the contractor in the recipient's file.~~

~~(4) The recipient must be given at least a quarterly reporting of all financial transactions in his or her trust account. The representative payee, the guardian, and/or other designated agents of the recipient must be sent a copy of said reporting on the same basis as the recipient.)~~

The department shall adopt rules to ensure that resident personal funds handled by the facility are maintained by each nursing home in a manner that is, at a minimum, consistent with federal requirements.

- NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:
- (1) RCW 74.46.710 and 1983 1st ex.s. c 67 s 37 & 1980 c 177 s 71;
 - (2) RCW 74.46.720 and 1983 1st ex.s. c 67 s 38 & 1980 c 177 s 72;
 - (3) RCW 74.46.730 and 1980 c 177 s 73;
 - (4) RCW 74.46.740 and 1980 c 177 s 74;
 - (5) RCW 74.46.750 and 1980 c 177 s 75; and
 - (6) RCW 74.46.760 and 1985 c 7 s 149 & 1980 c 177 s 76.

Mr. Day moved adoption of the following amendment by Representatives Day and Moyer to the amendment:

On page 7, line 21 of the amendment, after "July 17, 1984," insert "and before July 1, 1993,"

Beginning on page 13, line 3 of the amendment, after "July 17, 1984," insert "and before July 1, 1993,"

On page 15, line 28 of the amendment, after "December 31, 1984," insert "and before July 1, 1993,"

Beginning on page 18, after line 2 of the amendment, insert the following

"(c) The provisions of (a) and (b) of this subsection shall not apply to an arm's-length transaction that occurs on or after July 1, 1993. The valuation of capital assets, for the purposes of determining payment rates for nursing facilities, will not be increased (as measured from the date of acquisition by the seller to the date of the change of ownership) solely as a result of a change of ownership, by more than the lesser of:

(i) one-half of the percentage increases (as measured over the same period of time or, if necessary, as extrapolated retrospectively by the secretary) in the dodge construction index systems costs for nursing homes, applied to the aggregate with respect to those facilities which have undergone a change of ownership during the fiscal year; or

(ii) one-half of the percentage increase (as measured over the same period of time) in the consumer price index for all urban consumers (United States city average)."

Renumber the remaining subsections consecutively.

Representatives Day, Moyer and Braddock spoke in favor of adoption of the amendments to the amendment, and they were adopted.

Mr. Braddock spoke in favor of adoption of the amendment as amended, and Mr. Moyer spoke against it.

Mr. D. Sommers demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the striking amendment by Representative Braddock as amended to Senate Bill No. 5827, and the amendment as amended was adopted by the following vote: Yeas - 55, Nays - 43, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones,

King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Haugen, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Paris, Prince, Rayburn, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 43.

With consent of the House, the following amendment by Representative Braddock to the title was adopted:

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.51.050, 74.46.660, 74.46.210, 74.46.410, 74.46.481, 74.46.530, 74.46.360, and 74.46.700; and repealing RCW 74.46.710, 74.46.720, 74.46.730, 74.46.740, 74.46.750, and 74.46.760."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5827 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Brough - 01.

Senate Bill No. 5827 as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SENATE BILL NO. 5906, by Senators Rinehart, McCaslin and Talmadge

Relating to protecting persons seriously threatened by domestic violence by restricting disclosure of their names or addresses.

The House resumed consideration of Engrossed Senate Bill No. 5906 on third reading. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be final passage of Engrossed Senate bill No. 5906.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5906, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Senate Bill No. 5906, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider Second Substitute Senate Bill No. 5882 on the regular second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5882, by Senate Committee on Ways & Means (originally sponsored by Senators Pelz, McCaslin, Johnson, Madsen, Moore and Owen)

Creating a drug asset forfeiture and criminal profiteering unit in the attorney general's office.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

Mr. Dellwo moved adoption of the committee amendment.

On motion of Mr. Dellwo, the following amendment to the committee amendment was adopted:

On page 2, line 7 strike all of section 4

On motion of Mr. Dellwo, the following amendment to the committee amendment was adopted:

On page 1, line 19 of the amendment strike "shall" and insert "may"

The committee amendment as amended was adopted.

Mr. Dellwo moved adoption of the committee amendment to the title.

With consent of the House, the following amendment to the committee amendment to the title was adopted:

On page 2, line 16 of the title amendment strike "new sections" and insert "a new section"

The committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5882 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5882 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider Second Substitute Senate Bill No. 5358 on the regular second reading calendar. The motion was carried.

SECOND SUBSTITUTE SENATE BILL NO. 5358, by Senate Committee on Ways & Means (originally sponsored by Senators Barr and Madsen; by request of Joint Select Committee on Water Resource Policy)

Providing for exchanges of water through interties.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

On motion of Ms. Belcher, the committee amendments were adopted.

MOTION FOR RECONSIDERATION

Ms. Belcher, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the committee amendments by Committee on Natural Resources & Parks were adopted by the House. The motion was carried.

RECONSIDERATION

The Speaker stated the question before the House to be adoption of the committee amendments by Committee on Natural Resources & Parks.

Ms. Belcher spoke against adoption of the amendments, and the amendments were not adopted.

The Clerk read the following amendments by Representative Belcher:

On page 3, line 22 after "permit" insert ", that the modification is not in conflict with the public interest,"

On page 3, line 27 after "remedies." insert "If the department of ecology finds that an intertie existing and in use as of January 1, 1991, is in conflict with the public interest, the department of ecology may impose conditions on water right permits, certificates, or claims related to that intertie in order to protect the public interest."

On page 4, line 7 after "rights," strike "and"

On page 4, line 9 after "of interties" insert ", and shall not be in conflict with the public interest. If the department of ecology finds that an intertie commencing use after January 1, 1991, is in conflict with the public interest, the department of ecology may impose conditions on water right permits, certificates, or claims related to that intertie in order to protect the public interest."

With consent of the House, Representative Belcher withdrew the amendments.

Ms. Belcher moved adoption of the following amendment:

On page 7, after line 19 insert:

"NEW SECTION. Sec. 5. If HB 1851, increasing water resources related fees and penalties, is not enacted by June 30, 1991, this act shall be null and void. For the purpose of this section "HB 1851" also includes SHB 1851, ESHB 1851, or any other version of HB 1851."

POINT OF ORDER

Mr. Morton: Thank you, Mr. Speaker. I would like a scope and object ruling on this particular amendment, if you please, sir.

SPEAKER'S RULING

The Speaker: Representative Morton, you have raised an interesting point. If House Bill No. 1851 fit within the original scope and object of this bill, which it does not, the Speaker would have ruled that your point was not well taken. However, you have raised an interesting point on connecting an unrelated bill--one that would not fit within the scope and object--and it is well taken. The Speaker finds this amendment outside the scope and object of the original bill.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, Jones and Wilson:

On page 6, after line 15, insert:

"(10) The department of health shall prohibit the installation of hazardous material transmission systems which may adversely affect water systems dependent upon federally-designated sole-source aquifers."

POINT OF ORDER

Ms. H. Myers: Mr. Speaker, would you rule on the scope and object of this amendment?

SPEAKER'S RULING

The Speaker: Your point is well taken, Representative Myers. The amendment, which we have seen before, is clearly outside the scope and object of the original bill.

On motion of Ms. Belcher, the following amendment was adopted:

On page 3, line 24 after "to" strike "March" and insert "September"

The Clerk read the following amendment by Representative Belcher:

On page 7, after line 19 insert:

"NEW SECTION. Sec. 5. If HB 1851, increasing water resources related fees and penalties, is not enacted by June 30, 1991, this act shall be null and void. For the purpose of this section "HB 1851" also includes SHB 1851, ESHB 1851 or any other version of HB 1851."

With consent of the House, Representative Belcher withdrew the amendment.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5358 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5358 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, by Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Niemi, Conner, Rasmussen, Bauer and Erwin; by request of Governor Gardner)

Making supplemental appropriations for the 1989-91 biennium.

The bill was read the second time. Committee on Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 95th Day, April 18, 1991.)

Mr. Locke moved adoption of the committee amendment.

On motion of Mr. Riley, the following amendments to the committee amendment were adopted:

On page 81, line 19, strike "50,754,500" and insert "50,839,500"

On page 82, line 13, strike "159,988,500" and insert "160,073,500"

On page 86, after line 2, insert:

"(18) \$85,000 of the general fund state appropriation is provided solely for spartina control in Willapa harbor."

On motion of Mr. Locke, the following amendments to the committee amendment were adopted:

On page 120, line 15, strike "\$22,000" and insert "\$62,000"

On page 120, line 17, after "limitations:" strike "The appropriation" and insert:

(1) \$40,000 is provided solely for financial assistance to the southwest Washington child care consortium. This amount shall be used at existing sites to deliver child care services through June 30, 1991. None of this amount may be disbursed until the consortium has received approval from the office of financial management on its long-term financial proposal for operating its child care sites on a self-sustaining basis.

(2) \$22,000"

Mr. Locke moved adoption of the following amendments by Representatives Locke, Silver and Peery to the committee amendment:

On page 120, line 15 of the striking amendment, strike "\$22,000" and insert "\$2,022,000"

On page 120, line 17 of the striking amendment, after "limitations:" strike "The" and insert "(1) \$22,000 of the"

On page 120, line 19 of the striking amendment, after "prevention." insert the following:

"(2)(a) The legislature finds that state school feeding programs are essential to the health and well-being of many children and that continuing these programs during a teachers' work stoppage is in the best interests of the state of Washington.

The legislature intends to continue to provide food to eligible children during the teachers' work stoppage, which began on April 18, 1991, in forty-six districts throughout the state.

(b) \$2,000,000 of the appropriation, of as much thereof as may be necessary, is provided solely to replace federal funding for breakfasts and lunches that the state is not eligible to receive because of the teachers' work stoppage.

(c) The superintendent of public instruction may reimburse school districts with state funds from the appropriation provided in this subsection (2) for the amount of any unavailable federal share of funds for breakfasts or lunches actually provided to children during the teachers' work stoppage that began April 18, 1991."

Representatives Locke and Silver spoke in favor of adoption of the amendments to the committee amendment.

Mr. Sheldon demanded an electric roll call vote, and the demand was not sustained.

The amendments on page 120, lines 15, 17 and 19, by Representative Locke and others to the committee amendment were adopted.

Ms. Silver moved adoption of the following amendments to the committee amendment by Representatives Silver, Lisk, Mielke and Ferguson:

On page 9, line 19, strike "4,111,000" and insert "2,611,000"

On page 9, line 24, after "(2)" strike "\$2,000,000" and insert "\$500,000"

Ms. Silver spoke in favor of adoption of the amendments to the committee amendment, and Mr. Locke spoke against them. The amendments to the committee amendment were not adopted.

The committee amendment as amended was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5395 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Beck, Bowman, Fuhrman, Lisk, Silver - 05.

Engrossed Substitute Senate Bill No. 5395 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Ebersole, Engrossed Substitute Senate Bill No. 5555 was made a special order of business for 4:59 p.m. today.

MOTION

Mr. Ebersole moved that the House immediately resume consideration of Engrossed Substitute Senate Bill No. 5411 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

ENGROSSED SUBSTITUTE SENATE BILL NO. 5411, by Senate Committee on Agriculture & Water Resources (originally sponsored by Senators Bailey, Anderson, Hansen, Barr, McMullen, Conner and Skratek)

Making changes relating to flood damage.

Ms. Belcher moved adoption of the committee amendment by Committee on Natural Resources & Parks.

On motion of Mr. R. Johnson, the following amendments to the committee amendment were adopted:

On page 3, beginning on line 5 of the amendment, strike all of section 4
Renumber remaining sections and correct internal references accordingly.
On page 5, beginning on line 5 of the amendment, strike all of section 6
Renumber remaining sections and correct internal references accordingly.

The Clerk read the following amendment by Representatives R. Johnson, Wynne, Riley, Cooper and Zellinsky to the committee amendment:

On page 1, beginning on line 7 of the amendment strike all of sections 1, 2, 3, 4, 5, and 6
Renumber remaining sections consecutively and correct internal references accordingly.

With consent of the House, Representative Wynne withdrew the amendment to the committee amendment.

The Clerk read the following amendment by Representatives Wynne and R. Johnson to the committee amendment:

On page 3, beginning on line 5 of the amendment, strike all of sections 4, 5, and 6

With consent of the House, Representative Wynne withdrew the amendment.

The Clerk read the following amendment by Representatives Wynne, R. Johnson and Riley:

On page 5, beginning on line 5 of the amendment strike all of section 6
Renumber remaining sections consecutively and correct internal references accordingly.

With consent of the House, Representative Wynne withdrew the amendment.

The committee amendment as amended was adopted.

Ms. Belcher moved adoption of the committee amendment to the title.

With consent of the House, the following amendment by Representative R. Johnson to the committee amendment to the title was adopted:

On page 25, line 9 of the title amendment, after "36.70A.150," strike "82.02.090, 36.70A.070,"

The committee amendment to the title as amended was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. Johnson and Wynne spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5411 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5411 as amended by the House, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5612, by Senate Committee on Environment & Natural Resources (originally sponsored by Senators Bluechel, Snyder, Metcalf and Stratton; by request of Department of Natural Resources)

Changing provisions relating to natural resources conservation areas.

The bill was read the second time. Committee on Natural Resources & Parks recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.)

On motion of Ms. Belcher, the committee amendments were adopted.

Mr. Riley moved adoption of the following amendment by Representatives Riley and Hargrove:

On page 5, line 27 beginning with "Appropriations" strike everything down to and including "RCW" on page 6, line 4 and insert the following:

"Appropriations from this account to the department shall be expended for no other purpose than the following: (1) to manage the areas approved by the legislature in fulfilling the purposes of this chapter; (2) to manage property acquired as natural area preserves under chapter 79.70; (3) to manage property transferred under the authority and appropriation provided by the legislature to be managed under chapters 79.70 and 79.71 RCW or acquired under chapter 43.98A RCW; and (4) to pay for operating expenses for the natural heritage program under chapter 79.70 RCW"

Ms. Belcher spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the committee amendment to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5612 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5612 as amended by the House, having received the constitutional majority, was declared passed.

SPECIAL ORDER OF BUSINESS

The hour of 4:59 p.m. having arrived, the Speaker declared the question before the House to be the special order of business, Engrossed Substitute Senate Bill No. 5555 on second reading.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, by Senate Committee on Ways & Means (originally sponsored by Senators Owen, Conner, Snyder, Metcalf, Jesernig, Amondson, Sutherland, Patterson, Hansen, Bailey, Rasmussen, von Reichbauer, Johnson, Pelz, West, Talmadge, A. Smith, Williams, L. Kreidler, Rinehart, Newhouse, Stratton, Gaspard, McMullen, Moore, Madsen, Bauer, Wojahn, Matson, Roach and L. Smith)

Providing assistance for timber harvesting areas.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 5, 1991.) Committee on Appropriations recommendation: Majority, do pass with amendments by Committee on Trade & Economic Development as amended by Committee on Appropriations. (For committee amendments, see Journal, 85th Day, April 8, 1991.)

Ms. Cantwell moved adoption of the committee amendment by Committee on Trade & Economic Development.

On motion of Ms. Spanel, the committee amendments by Committee on Appropriations to the committee amendment by Committee on Trade & Economic Development were adopted.

The Clerk read the following amendment by Representative Riley to the committee amendment by Committee on Trade & Economic Development:

On page 16, after line 2 of the striking amendment, insert the following:

"NEW SECTION. Sec. 13. The legislature finds that the family support centers currently operating in Washington state are effectively providing support to families. The legislature further finds that these centers are positively responding to needs identified by the families and communities served by the center and are therefore empowering those families and communities. It is the intent of the legislature to give timber-dependent communities the means to support and empower their families, particularly those families experiencing stress related to job loss, through the establishment of family support centers in those communities.

NEW SECTION. Sec. 14. A new section is added to chapter 43.121 RCW to read as follows:

The council shall contract for the operation of community-based family support centers. The council shall identify areas of need for such centers in timber-dependent communities and give priority to establishing centers in these locations. The council shall also give priority to applications from communities with high timber unemployment rates.

(1) Applicants for grants to operate a family support center shall be part of a community interagency team made up of private nonprofit or public agencies currently providing one or more of the services described in subsection (4) of this section. A lead agency shall be designated by the team as the grantee. Agencies participating in the team shall execute written interagency agreements regarding referrals and coordination of services.

(2) Family support centers shall be operated at a location in the community that is accessible to families.

(3) In awarding grants, preference shall be given to applications that provide for locating the family support center at or near a job retraining center.

(4) Family support centers shall provide, at a minimum, parent support services. In addition, centers shall provide other services identified by the community to support families. Such services may include, but are not limited to, parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team. Child care services shall be available at the center for children while their parents are using the center.

(5) Twenty-five percent of the funding for a family support center shall be community matching funds provided by public or private entities in the community that will be served by the center. Contributions of materials, supplies, or physical facilities may be considered as all or part of the funding provided by the community."

Renumber the sections consecutively and correct internal references accordingly.

With consent of the House, Representative Riley withdrew the amendment to the committee amendment.

Mr. Riley moved adoption of the following amendment to the committee amendment by Committee on Trade & Economic Development:

On page 16, after line 2 of the striking amendment, insert the following:

"NEW SECTION. Sec. 13: The legislature finds that the family support centers currently operating in Washington state are effectively providing support to families. The

legislature further finds that these centers are positively responding to needs identified by the families and communities served by the center and are therefore empowering those families and communities. It is the intent of the legislature to give timber-dependent communities the means to support and empower their families, particularly those families experiencing stress related to job loss, through the establishment of family support centers in those communities.

NEW SECTION. Sec. 14. A new section is added to chapter 43.121 RCW to read as follows:

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(1) Applicants for grants to operate a family support center shall be part of a community interagency team made up of private nonprofit or public agencies currently providing one or more of the services described in subsection (4) of this section. A lead agency shall be designated by the team as the grantee. Agencies participating in the team shall execute written interagency agreements regarding referrals and coordination of services.

(2) Family support centers shall be operated at a location in the community that is accessible to families.

(3) In awarding grants for the operation of family support centers in timber-dependent communities, preference shall be given to applications that are submitted by a county timber task force or that provide for locating the family support center at or near a job retraining center.

(4) Family support centers shall provide, at a minimum, parent support services. In addition, centers shall provide other services identified by the community to support families. Such services may include, but are not limited to, parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team. Child care services shall be available at the center for children while their parents are using the center.

(5) Twenty-five percent of the funding for a family support center shall be community matching funds provided by public or private entities in the community that will be served by the center. Contributions of materials, supplies, or physical facilities may be considered as all or part of the funding provided by the community."

Renumber the sections consecutively and correct internal references accordingly.

Mr. Riley spoke in favor of adoption of the amendment to the committee amendment.

POINT OF ORDER

Ms. Forner: I ask for a scope and object ruling on this amendment.

SPEAKER'S RULING

The Speaker: Representative Forner, if my recollection serves me correctly, I believe that Representative Riley has already spoken to the amendment. I find that your point of order is not timely and is not well taken. The time to raise a point of order is after the motion has been made to adopt an amendment, but before debate ensues. Representative Forner, the correct time to make that

motion would have been after Representative Riley had moved adoption of the amendment. At that point you should have raised your point of order.

The amendment on page 16, after line 2, by Representative Riley to the committee amendment by Committee on Trade & Economic Development was adopted.

Ms. Cantwell moved adoption of the following amendments by Representatives Cantwell, Forner and Sheldon to the committee amendment by Committee on Trade & Economic Development:

On page 16, after line 2 of the striking amendment, insert the following:

NEW SECTION. Sec. 13. A new section is added to chapter 28B.50 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 14 through 18 of this act.

(1) "Board" means the state board for community college education.

(2) "Dislocated timber worker" means any individual who: (a) Has been terminated or received a notice of termination from employment in a timber-related industry assigned the major group standard industrial classification code "24" by the employment security department; and (b) at the time of last separation from employment, resided in or was employed in a timber-dependent community. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(3) "Timber-dependent community" means a county or a city or town located in a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 14. A new section is added to chapter 28B.50 RCW to read as follow:

The state board for community college education shall administer a program designed to provide higher education opportunities to dislocated timber workers or their spouses. In administering the program, the board shall have the following powers and duties:

(1) Appoint an advisory committee to assist the board in program design and funding distribution;

(2) Allocate funding to community colleges attended by eligible dislocated timber workers;

(3) Monitor the program and report on students' progress and outcome; and

(4) Report to the legislature by December 1, 1993, on the status of the program.

NEW SECTION. Sec. 15. A new section is added to chapter 28B.50 RCW to read as follows:

In addition to the community college enrollment level funded by the omnibus appropriations act for the biennium ending June 30, 1993, the community college system is authorized to serve two hundred fifty full-time equivalent students in fiscal year 1992 and five hundred full-time equivalent students in fiscal year 1993. Under this program, the community colleges shall waive the tuition, services, and activities fees for dislocated timber workers or their spouses, enrolled as one of the full-time equivalent students allocated under this section, who do not receive federal tuition assistance for retraining, provided the dislocated timber worker provides verification of the following conditions:

(1) The dislocated timber worker, during the five years before enrolling as a student, was employed in the timber industry on a full-time basis for at least six months each year; and

(2) The unemployment of the dislocated timber worker is due to reduction in work force and not misconduct of the timber worker;

The dislocated timber workers or their spouses are eligible to receive waivers for a total of six quarters within a two-year time period and must be enrolled for a minimum of ten credits per quarter.

Dislocated timber workers or their spouses shall receive priority for the full-time equivalent student allocations authorized under this section. Funding for any full-time equivalent student enrollment allocations that are unused by June 30, 1993, shall lapse.

NEW SECTION. Sec. 16. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall administer a program designed to provide upper division higher education opportunities to dislocated timber workers, their spouses, and others in timber-distressed counties. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for an institution of higher education to service Clallam county;

(2) Appoint an advisory committee to assist the board in program design and future project selection;

(3) Monitor the program and report on student progress and outcome; and

(4) Report to the legislature by December 1, 1993, on the status of the program.

NEW SECTION. Sec. 17. A new section is added to chapter 28B.80 RCW to read as follows:

In consultation with Peninsula College, the higher education coordinating board shall contract with an institution of higher education to provide upper division classes to serve fifty full-time equivalent students per year in Clallam county. The institution shall utilize telecommunication technology, if available, to carry out the purposes of this section. The institution providing the service shall waive the tuition, service, and activities fees for dislocated timber workers or their spouses enrolled as one of the full-time equivalent students allocated to the college under this section, provided the dislocated timber worker provides verification of the following conditions:

(1) The dislocated timber worker, during the five years before enrolling as a student, was employed in the timber industry on a full-time basis for at least six months of each year; and

(2) The unemployment of the dislocated timber worker is due to reduction in work force and not misconduct of the timber worker;

The dislocated timber worker or his or her spouse is eligible to receive waivers for a total of four semesters or six quarters within a two-year time period and must be enrolled for a minimum of ten credits per semester or quarter.

NEW SECTION. Sec. 18. A new section is added to chapter 28B.80 RCW to read as follows:

Dislocated timber workers and their spouses shall receive priority for attendance in upper division courses allocated under section 17 of this act, offered in Clallam county. Remaining allocations may be distributed to others in the timber-dependent community.

NEW SECTION. Sec. 19. (1) The legislature finds and declares that:

(a) Families with children have been rendered homeless or are in imminent danger of becoming homeless as a result of a sudden job loss or other economic adversity;

(b) It is more economical and more socially desirable to enable people to retain possession of their houses or apartments and thereby avoid homelessness, than to house them in emergency shelters or in other facilities intended for short-term occupancy; and

(c) Economically distressed communities are faced with unique problems that require a comprehensive approach of housing and related support services.

(2) The legislature declares that a program designed to provide short-term financial assistance to assist with mortgage or rent payments and coordination of available support services is needed to keep people from becoming homeless.

NEW SECTION. Sec. 20. A new section is added to chapter 43.63A RCW to read as follows:

(1) The department shall develop and administer a homelessness prevention program for the purpose of providing grants and technical assistance to eligible organizations to operate local homelessness prevention and related support service programs. For purposes of this section, "eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund, chapter 43.185 RCW.

(2) The department shall select at least five eligible organizations for purposes of implementing local homelessness prevention programs. The local homelessness prevention programs are designed to provide: (a) Interest-free loans of temporary mortgage or rental assistance on behalf of families with children in imminent danger of losing housing as a result of having insufficient income to pay mortgage or rental costs; (b) interest-free loans to make payments on machinery or equipment that is essential to the household's livelihood; or (c) technical assistance to eligible organizations to help recipient eligible organizations develop and implement local strategies to prevent homelessness. In selecting local programs under this section, the department shall give priority consideration to timber-dependent communities and shall consider:

(i) The eligible organization's ability, stability, and resources to implement the local homelessness prevention program;

(ii) The eligible organization's efforts to coordinate other support programs for the family, such as job search or job retraining programs;

(iii) The level of timber unemployment experienced by the jurisdiction; and

(iv) Other factors the department deems appropriate.

(3) The recipient eligible organization shall establish priorities of eligibility for temporary mortgage or rental assistance to assist families with children in retaining housing. The recipient eligible organization shall make a determination of eligibility regarding the family's eligibility to participate in the local homelessness prevention program. A determination shall include, but is not limited to:

(a) A determination that the family is subject to immediate eviction for foreclosure of nonpayment of mortgage installments or nonpayment of rent, when nonpayment is attributable to illness, unemployment, underemployment, or any other failure of resources beyond the person's control;

(b) A verification of the loss of income; and

(c) A determination that the family does not have the financial resources to make the required mortgage installment or rental payment, or installment payment on the equipment or machinery which is essential to the family's livelihood.

(4) No family shall continue to receive temporary mortgage or rental assistance under this section if alternative sources of mortgage or rental assistance under federal, state, or local sources becomes available.

NEW SECTION. Sec. 21. A new section is added to chapter 43.63A RCW to read as follows:

The department shall adopt rules to implement section 20 of this act, including but not limited to:

(1) The maximum length of assistance available through section 20 of this act;

(2) The eligibility of and application process for eligible organizations;

(3) The criteria by which grants and technical assistance shall be provided to eligible organizations; and

(4) The criteria eligible organizations shall use when entering into contracts with families to make mortgage or rental assistance payments, or equipment or machinery payments on their behalf.

NEW SECTION. Sec. 22.(1) For the period beginning July 1, 1991 and ending June 30, 1993, in those areas designated by the department of community development as timber impact areas, the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this act, "public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

NEW SECTION. Sec. 23. (1) As authorized by section 22 of this act, the board shall establish criteria for awarding loans to local governments including, but not limited to, the following:

(a) If a county or city, the local government must be imposing the tax authorized by chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have in place a capital improvement plan meeting standards established by the board and an economic development plan meeting standards established by the department;

(c) The local economy must have experienced or be about to experience employment losses due to the timber economy;

(d) The proposed project must provide an opportunity to create or retain jobs within the local economy. Priority may be given to those projects that provide an opportunity to retain or create jobs for the pool of local workers affected by the timber economy;

(e) The local government must provide reasonable assurances of its ability to repay the debt; and

(f) The local government must meet any additional guidelines and criteria established by the board for awarding loan funds.

(2) Existing debt or other financial obligations of the local government shall not be refinanced under this act.

(3) The board shall award loans only to those projects that meet the criteria and will fulfill the purpose of this act. Any funds not obligated at the close of the biennium shall be returned to the public works assistance account.

NEW SECTION. Sec. 24. The public works board shall provide to the office of financial management and the legislative fiscal committees quarterly reports on loan applications under consideration and loans awarded by the board and a report by January 15, 1994, on the loans awarded through the biennium ending June 30, 1993. The board shall provide to the legislative fiscal committees a report on January 15, 1995, and January 15, 1996, identifying by county the economic growth and/or economic diversification attributable to the loan awards authorized by this act.

NEW SECTION. Sec. 25. (a) The legislature finds that an increase in unemployment due to the declining timber economy in the state is imminent. The legislature further recognizes that employment opportunities in state and local government in other natural resource management professions exist and that dislocated workers in the timber-related professions represent a potential work force in the areas of fisheries, wildlife, and recreation.

(b) The legislature further recognizes that employment opportunities in other natural resource management professions exist and that natural resource enhancements in the

areas of fisheries, wildlife, and recreation can bring needed income to distressed local economies in the state. It is the intent of the legislature that dislocated timber workers be given training in and opportunities to compete for employment in other resource management professions, and to establish a pilot program in Skagit county to accomplish this objective. The Skagit river represents a potential recreational fishery that, if enhanced, will bring much needed income to Skagit county. Enhancements to the fishery on the Skagit river are planned over the next several years, and workers will be needed to fill these positions. Displaced timber workers will be available to do this work.

NEW SECTION. Sec. 26. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dislocated timber worker" means any individual who: (a) Has been terminated or received a notice of termination from employment in a timber-related industry assigned the major group standard industrial classification code "24" by the employment security department; and (b) at the time of last separation from employment, resided in or was employed in a timber-dependent community. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(2) "Department" means the employment security department.

(3) "Project" means the natural resource worker project.

(4) "College" means Skagit Valley Community College.

(5) "Local development agency" means the economic development association of Skagit county.

NEW SECTION. Sec. 27. The department, subject to the availability of funding under section 28 of this act or an appropriation from the general fund, shall establish the natural resource worker project. The project shall terminate on July 1, 1996, and shall provide employment and training opportunities for dislocated timber workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department of personnel shall approve the project. The goal of the project is to allow project employees to be, upon termination of their participation in the project, eligible for permanent employment with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

NEW SECTION. Sec. 28. The department shall use federal funds that it receives for dislocated timber workers to contract with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission to hire project participants to conduct tasks in the areas of fisheries, wildlife, forestry, ecology, and recreation.

NEW SECTION. Sec. 29. The project shall include the following elements:

- (1) Recruitment of dislocated timber workers;
- (2) Placement in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission;
- (3) On-the-job training in entry-level natural resource management skills;
- (4) Comparable salaries and benefits to entry-level positions already existing in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

NEW SECTION. Sec. 30. The department, along with the departments of personnel, wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission shall report annually to the legislature on November 1 of each year beginning November 1, 1992, and until November 1, 1995.

The report shall include, at a minimum, the following elements:

- (1) The number of project employees;
- (2) The number and description of positions filled, by agency;
- (3) Training received;
- (4) Duration of employment; and

(5) Placement in permanent positions.

NEW SECTION. Sec. 31. A pilot project shall be established, coordinated jointly by the department and the college, in Skagit county. The pilot project created in this section is subject to the department and the college acquiring funds for the pilot project from federal, state, or private sources. The project shall be of five years duration.

NEW SECTION. Sec. 32. The college shall develop a training program designed for dislocated timber workers and their spouses, and in doing so, shall:

(1) Consult with, at a minimum, the departments of natural resources, ecology, wildlife, and fisheries, the parks and recreation commission, and other state, federal, local, and private employers in Skagit county to determine minimum employment qualifications in the areas of natural resource management and enhancement of the Skagit river; and

(2) Develop a program that will provide needed educational skills to dislocated timber workers and their spouses.

NEW SECTION. Sec. 33. The department shall contract with the local development agency to coordinate with the college and the departments of wildlife, ecology, natural resources, and fisheries, the parks and recreation commission, and other state, federal, local, and private employers in assisting dislocated timber workers and their spouses in securing education and employment in the natural resource professions. The local development agency shall also provide information on the training program established under section 32 of this act.

NEW SECTION. Sec. 34. The department and the college shall jointly report to the legislature on their progress by November 1 of each year, beginning in 1991 and ending November 1, 1996. This report shall include a college program description, numbers of students, numbers of referrals for existing positions by the local development agency, and numbers of positions filled by dislocated timber workers.

NEW SECTION. Sec. 35. Sections 25 through 34 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 36. (1) Sections 13 through 18 of this act shall expire July 1, 1995.

(2) Sections 22 and 23 of this act shall expire on June 30, 1993.

(3) Sections 25 through 30 of this act shall expire August 1, 1996.

(4) Sections 31 through 34 of this act shall expire January 1, 1997.

NEW SECTION. Sec. 37. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for any of sections 13 through 19 of this act, referencing those sections by bill number and section number, any section not referenced is null and void."

Renumber the remaining sections and correct internal references accordingly.

On page 16, line 11, after "Sec. 16." strike "This act is" and insert "Sections 1 through 12, 22, 23, and 25 through 34 are"

On page 16, line 14 of the striking amendment, after "immediately" insert ", except for sections 22, 23, and 25 through 34, which shall take effect July 1, 1991."

Ms. Forner moved adoption of the following amendments by Representatives Forner, Ferguson, Betrozoff and Bowman to the amendment by Representative Cantwell and others to the committee amendment by Committee on Trade & Economic Development:

On page 9, beginning on line 8, strike sections 22, 23, and 24

Renumber remaining sections consecutively and correct internal references accordingly.

On page 17, line 8, after "12" strike ",22, 23,"

On page 17, line 10, after "sections" strike "22, 23, and"

ANNOUNCEMENT BY THE SPEAKER

The Speaker: Representative Forner has moved the adoption of the amendments on pages 9 and 17. This presents us with a parliamentary problem. It is a tertiary amendment. With the consent of the House, we will go ahead and consider the tertiary amendment, which is an amendment to an amendment to an amendment. With the consent of the House, we will allow this, but it is outside our normal rules here.

Representatives Forner and Ferguson spoke in favor of adoption of the amendments on pages 9 and 17 by Representative Forner and others, and Representatives Cantwell, Sheldon, Bowman and H. Sommers spoke against them. Ms. Forner again spoke in favor of the amendments.

Mr. Braddock demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 9 and 17 by Representative Forner and others to the amendments by Representative Cantwell and others to the committee amendment by Committee on Trade & Economic Development, and the amendments were not adopted by the following vote: Yeas - 26, Nays - 72, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Betrozoff, Braddock, Brough, Casada, Ferguson, Forner, Hochstatter, Holland, Horn, May, Mielke, Miller, Mitchell, Moyer, Nealey, Neher, Paris, Schmidt, Silver, Sommers, D., Tate, Vance, Wood, Wynne, Zellinsky - 26.

Voting nay: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bowman, Bray, Brekke, Broback, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, McLean, Meyers, R., Morris, Morton, Myers, H., Nelson, O'Brien, Ogden, Orr, Padden, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Van Luven, Wang, Wilson, Wineberry, Winsley, and Mr. Speaker - 72.

Representatives Cantwell and Forner spoke in favor of adoption of the amendments by Representative Cantwell and others to the committee amendment by Committee on Trade & Economic Development, and they were adopted.

The committee amendment by Committee on Trade & Economic Development as amended was adopted.

Ms. Cantwell moved adoption of the title amendment by Committee on Trade & Economic Development.

With consent of the House, the title amendment by Committee on Appropriations to the title amendment by Committee on Trade & Economic Development was adopted.

With consent of the House, the following amendment by Representative Riley to the title amendment by Committee on Trade & Economic Development was adopted:

On page 16, line 22 of the title amendment, after "RCW;" insert "adding a new section to chapter 43.121 RCW;"

With consent of the House, the following amendments by Representative Cantwell and others to the title amendment by Committee on Trade & Economic Development were adopted:

On page 16, line 20 of the title amendment, after "43.160.080;" and insert "adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.80 RCW; adding new sections to chapter 43.63A RCW;"

On page 16, line 22 of the title amendment, after "RCW;" strike the remainder of the title amendment and insert "adding a new chapter to Title 50 RCW; creating new section; providing expiration dates; and declaring an emergency."

With consent of the House, the committee amendment as amended to the title was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Forner, Jones, Bowman, Sheldon, Ferguson and P. Johnson spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5555 as amended by the House, and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Betzoff, Fuhrman, Miller - 03.

Engrossed Substitute Senate Bill No. 5555 as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Saturday, April 20, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

. NINETY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 20, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Wilson.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kirsten Olsen and Valerie Myers. Prayer was offered by The Reverend James Blundell, Minister of St. John's Episcopal Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 19, 1991

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1082,
SUBSTITUTE HOUSE BILL NO. 1649,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1777,
HOUSE BILL NO. 1991,
SUBSTITUTE HOUSE BILL NO. 2044,
SUBSTITUTE HOUSE BILL NO. 2187,
HOUSE BILL NO. 2198,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 19, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5015,
SENATE BILL NO. 5023,
SUBSTITUTE SENATE BILL NO. 5027,
SENATE BILL NO. 5053,
SECOND SUBSTITUTE SENATE BILL NO. 5127,
SENATE BILL NO. 5290,

SUBSTITUTE SENATE BILL NO. 5359,
ENGROSSED SENATE BILL NO. 5476,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Ms. Casada, Representative Wilson was excused.

On motion of Ms. Roland, Representative Hargrove was excused.

MOTION

On motion of Mr. Ebersole, the following bills were referred to Committee on Rules: House Bill No. 1851, House Bill No. 1855, Second Substitute Senate Bill No. 5181, Engrossed Substitute Senate Bill No. 5552, Engrossed Senate Bill No. 5566 and Substitute Senate Bill No. 5666.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1013 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 35.02.078 and 1986 c 234 s 10 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated if the boundary review board approves or modifies and approves the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or the approval or modification and approval by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives ~~((forty))~~ thirty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed. This three-year prohibition shall not apply to any proposed city or town in which such election was held before the effective date of this act and the vote in favor of the incorporation received thirty percent or more of the total on the question of incorporation.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed

by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation or, if the incorporation election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election or, if the primary election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July.

NEW SECTION. Sec. 2. A new section is added to chapter 35.02 RCW to read as follows:

A newly incorporated city or town shall be liable for its proportionate share of the costs of all elections, after the election on whether the area should be incorporated, at which an issue relating to the city or town is placed before the voters, as if the city or town was in existence after the election at which voters authorized the area to incorporate.

Sec. 3. RCW 35.02.130 and 1986 c 234 s 16 are each amended to read as follows:

The city or town officially shall become incorporated at a date from one hundred eighty days to three hundred sixty days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; chapter 42.17 RCW relating to open government; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20, 42.22, and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, 35.23.310, 35.24.220, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ninety days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than ~~((seventy five days))~~ twelve months after the ~~((official))~~ date ~~((of incorporation, the))~~ of the first election of councilmembers, those initially elected ~~((officials))~~ councilmembers shall ~~((hold office))~~ serve until their successors are elected and qualified at the next following general municipal election ~~((next following))~~ as provided in RCW 29.04.170. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29.13.020.

The official date of incorporation shall be on a date from one hundred eighty to three hundred sixty days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be three hundred sixty days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

NEW SECTION. Sec. 4. A new section is added to chapter 35.02 RCW to read as follows:

The newly elected officials shall adopt an interim budget for the interim period or until January 1 of the following year, whichever occurs first. A second interim budget shall be adopted for any period between January 1 and the official date of incorporation. These interim budgets shall be adopted in consultation with the office of the state auditor, division of municipal corporations.

The governing body shall adopt a budget for the newly incorporated city or town for the period between the official date of incorporation and January 1 of the following year. The mayor or governing body, whichever is appropriate shall prepare or the governing body may direct the interim city manager to prepare a preliminary budget in

detail to be made public at least sixty days before the official date of incorporation as a recommendation for the final budget. The mayor, governing body, or the interim city manager shall submit as a part of the preliminary budget a budget message that contains an explanation of the budget document, an outline of the recommended financial policies and programs of the city or town for the ensuing fiscal year, and a statement of the relation of the recommended appropriation to such policies and programs. Immediately following the release of the preliminary budget, the governing body shall cause to be published a notice once each week for two consecutive weeks of a public hearing to be held at least twenty days before the official date of incorporation on the fixing of the final budget. Any taxpayer may appear and be heard for or against any part of the budget. The governing body may make such adjustments and changes as it deems necessary and may adopt the final budget at the conclusion of the public hearing or at any time before the official date of incorporation.

NEW SECTION. Sec. 5. A new section is added to chapter 35.02 RCW to read as follows:

Upon the certification of election of officers, the governing body may by resolution borrow money from the municipal sales and use tax equalization account, up to one hundred thousand dollars or five dollars per capita based on the population estimate required by RCW 35.02.030, whichever is less.

The loan authorized by this section shall be repaid over a three-year period. The state treasurer shall withhold moneys from the funds otherwise payable to the city or town that has obtained such a loan, either from the municipal sales and use tax equalization account or from sales and use tax entitlements otherwise distributable to such city or town, so that the account is fully reimbursed over the three-year period. The state treasurer shall adopt by rule procedures to accomplish the purpose of this section on a reasonable and equitable basis over the three-year period.

NEW SECTION. Sec. 6. A new section is added to chapter 35.02 RCW to read as follows:

The department of community development shall identify federal, state, and local agencies that should receive notification that a new city or town is about to incorporate and shall assist newly formed cities and towns during the interim period before the official date of incorporation in providing such notification to the identified agencies.

NEW SECTION. Sec. 7. A new section is added to chapter 35.02 RCW to read as follows:

During the interim period, the governing body of the newly formed city or town and the board of fire commissioners may by written agreement delay the transfer of the district's assets and liabilities, and the city's or town's responsibility for the provision of fire protection, that would otherwise occur under RCW 35.02.190 or 35.02.200 for up to one year after the official date of incorporation. During the one-year period, the fire protection district may annex the city or town pursuant to chapter 52.04 RCW and retain the responsibility for fire protection.

Sec. 8. RCW 35.02.210 and 1986 c 234 s 21 are each amended to read as follows:

At the option of the governing body of a newly incorporated city or town, any fire protection district or library district serving any part of the area so incorporated shall continue to provide services to such area until the city or town (~~receives distributions of property tax receipts from these special districts pursuant to RCW 35.02.140, or the city or town~~) receives its own property tax receipts (~~(, whichever is earlier)~~).

Sec. 9. RCW 35.02.220 and 1986 c 234 s 22 are each amended to read as follows:

The approval of an incorporation by the voters of a proposed city or town, and the existence of a transition period to become a city or town, shall not remove the responsibility of any county, road district, library district, or fire district, within which the area is located, to continue providing services to the area until the official date of the incorporation.

A county shall continue to provide the following services to a newly incorporated city or town, or that portion of the county within which the newly incorporated city or town is located, at the preincorporation level as follows:

(1) Law enforcement services shall be provided for a period not to exceed sixty days from the official date of the incorporation or until the city or town is receiving or could have begun receiving sales tax distributions under RCW 82.14.030(1), whichever is the shortest time period.

(2) Road maintenance shall be for a period not to exceed sixty days from the official date of the incorporation or until ~~((any))~~ forty percent of the anticipated annual tax distribution from the road district tax levy is made to the newly incorporated city or town pursuant to RCW 35.02.140, whichever is the shorter time period.

Sec. 10. RCW 52.02.020 and 1984 c 230 s 1 are each amended to read as follows:

Fire protection districts for the provision of fire prevention services, fire suppression services, emergency medical services, and for the protection of life and property in areas outside of cities and towns, except where the cities and towns have been annexed into a fire protection district or where the district is continuing service pursuant to section 7 of this act, are authorized to be established as provided in this title.

NEW SECTION. Sec. 11. A new section is added to chapter 35.02 RCW to read as follows:

During the interim period, the governing body of the newly formed city or town may adopt resolutions establishing moratoria during the interim transition period on the filing of applications with the county for development permits or approvals, including, but not limited, subdivision approvals, short subdivision approvals, and building permits.

NEW SECTION. Sec. 12. A new section is added to chapter 35.02 RCW to read as follows:

Cities, towns, counties, and other local government agencies and state agencies may make loans of staff and equipment, and technical and financial assistance to the newly formed city or town during the interim period to facilitate the transition to an incorporated city or town. Such loans and assistance may be without compensation.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "amending RCW 35.02.078, 35.02.130, 35.02.210, 35.02.220, and 52.02.020; adding new sections to chapter 35.02 RCW; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to House Bill No. 1013.

Representatives Haugen and Ferguson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of House Bill No. 1013 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1013 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

House Bill No. 1013 as amended by the Senate, having received the constitutional majority, was declared passed.

April 20, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5906,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5906.

The Speaker called on Representative R. Meyers to preside.

SENATE AMENDMENT TO HOUSE BILL

April 8, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1024 with the following amendment:

On page 2, line 22, after "information", insert "except that related to the commission of misdemeanors or felonies by the individual" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendment to House Bill No. 1024.

Mr. Dellwo spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1024 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1024 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

House Bill No. 1024 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1032 with the following amendments:

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

NEW SECTION. Sec. 5. The legislature finds and declares that sudden and unexplained child deaths are a leading cause of death for children under age three. The public interest is served by research and study of the potential causes and indications of such unexplained child deaths and the prevention of inaccurate and inappropriate designation of sudden infant death syndrome (SIDS) as a cause of death. The legislature further finds and declares that law enforcement officers, fire fighters, emergency medical technicians, and other first responders in emergency situations are not adequately informed regarding sudden, unexplained death in young children including but not limited to sudden infant death syndrome, its signs and typical history, and as a result may compound the family and child care provider's grief through conveyed suspicions of a

criminal act. Coroners, investigators, and prosecuting attorneys are also in need of updated training on the identification of unexplained death in children under the age of three, including but not limited to sudden infant death syndrome awareness and sensitivity and the establishment of a state-wide uniform protocol in cases of sudden, unexplained child death.

NEW SECTION. Sec. 6. A new section is added to chapter 43.103 RCW to read as follows:

The council shall research and develop an appropriate training component on the subject of sudden, unexplained child death, including but not limited to sudden infant death syndrome. The training component shall include, at a minimum:

(1) Medical information on sudden, unexplained child death for first responders, including awareness and sensitivity in dealing with families and child care providers, and the importance of forensically competent death scene investigation;

(2) Information on community resources and support groups available to assist families who have lost a child to sudden, unexplained death, including sudden infant death syndrome;

(3) Development and adoption of an up-to-date protocol of investigation in cases of sudden, unexplained child death, including the importance of a consistent policy of thorough death scene investigation, and an autopsy in unresolved cases as appropriate;

(4) The value of timely communication between the county coroner or medical examiner and the public health department, when a sudden, unexplained child death occurs, in order to achieve a better understanding of such deaths, and connecting families to various community and public health support systems to enhance recovery from grief.

The council shall work with volunteer groups with expertise in the area of sudden, unexplained child death, including but not limited to the SIDS Northwest Regional Center at Children's Hospital, the Washington chapter of the national SIDS foundation, and the Washington association of county officials.

Upon development of an appropriate curriculum, agreed upon by the council, the training module shall be offered to first responders, coroners, medical examiners, prosecuting attorneys serving as coroners, and investigators, both voluntarily through their various associations and as a course offering at the criminal justice training center.

Renumber the remaining section consecutively.

On page 1, line 2 of the title, after "68.50 RCW;" insert "adding a new section to chapter 43.103 RCW; creating a new section;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to House Bill No. 1032.

Representatives Haugen and Ferguson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1032 as amended by the Senate.

Ms. Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1032 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

House Bill No. 1032 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1054 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 26.44.030 and 1989 c 22 s 1 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent or developmentally disabled person, has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect. The report shall include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children, dependent adults, or developmentally disabled persons are or may be at risk of

abuse or neglect by the accused, the reporting requirement of subsection (1) of this section shall apply.

(3) Any other person who has reasonable cause to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

((3)) (4) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report shall also be made to the proper law enforcement agency within five days thereafter.

((4)) (5) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent or developmentally disabled person who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child, adult dependent, or developmentally disabled person's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

((5)) (6) Any county prosecutor or city attorney receiving a report under subsection ((4)) (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

((6)) (7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

((7)) (8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents'

home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

~~((8))~~ (9) Persons or agencies exchanging information under subsection ~~((6))~~ (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

~~((9))~~ (10) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

~~((10))~~ (11) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

~~((11))~~ (12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((12))~~ (13) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1989. The report shall include recommendations on the continued use and possible expanded use of the tool.

~~((13))~~ (14) Upon receipt of such report the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

NEW SECTION. Sec. 2. RCW 26.44.070 and 1987 c 524 s 12, 1987 c 206 s 6, 1986 c 269 s 3, 1984 c 97 s 6, 1981 c 164 s 4, 1977 ex.s. c 80 s 29, 1975 1st ex.s. c 217 s 7, 1972 ex.s. c 46 s 1, & 1969 ex.s. c 35 s 6 are each repealed.

On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 26.44.030; and repealing RCW 26.44.070." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Leonard moved that the House do concur in the Senate amendments to Substitute House Bill No. 1054.

Ms. Leonard spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1054 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1054 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

Substitute House Bill No. 1054 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081 with the following amendment:

On page 4, line 25, after "any" strike "bicycle or" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1081.

Ms. R. Fisher spoke in favor of the motion, and Ms. Brough spoke against it.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be the motion by Ms. R. Fisher to concur in the Senate amendment to Engrossed Substitute House Bill No. 1081.

A division was called. The Speaker (Mr. R. Meyers presiding), called upon the House to divide. The result of the division was: Yeas - 54, Nays - 42. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1081 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1081 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 72, Nays - 24, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Brumsickle, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Myers, H., Nealey, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Betrozoff, Broback, Brough, Casada, Chandler, Edmondson, Forner, Fuhrman, Hochstatter, Lisk, McLean, Miller, Morton, Moyer, Neher, Padden, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven - 24.

Excused: Representatives Hargrove, Wilson - 02.

Engrossed Substitute House Bill No. 1081 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I desire to indicate that my vote on final passage of Engrossed Substitute House Bill No. 1081 as amended by the Senate should be "No."

DARWIN R. NEALEY, 9th District.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that retired persons generally are financially dependent on fixed pension or retirement benefits and passive income from investment property. Because of this dependency, retired persons are more vulnerable than others to inflation and depletion of their assets. It is the purpose of this act to increase the protection of income of retired persons residing in the state of Washington from collection of income taxes imposed by other states.

Sec. 2. RCW 6.13.030 and 1987 c 442 s 203 are each amended to read as follows:

A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of ~~((4))~~ (1) the total net value of the lands, mobile home, and improvements as described in RCW 6.13.010, or ~~((4))~~ (2) the sum of thirty thousand dollars, except where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, in which event there shall be no dollar limit on the value of the exemption.

NEW SECTION. Sec. 3. A new section is added to chapter 6.15 RCW to read as follows:

Where a judgment is in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, all property in this state, real or personal, tangible or intangible, of a judgment debtor shall be exempt from execution, attachment, garnishment, or seizure by or under any legal process whatever, and when a debtor dies, or absconds, and leaves his or her spouse and dependents any property exempted by this section, the same shall be exempt to the surviving spouse and dependents.

On page 1, line 1 of the title, after "execution;" strike the remainder of the title and insert "amending RCW 6.13.030; adding a new section to chapter 6.15 RCW; and creating a new section."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1105.

Mr. Wang spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1105 as amended by the Senate.

Mr. Appelwick spoke against passage of the bill, and Representatives Jones and Holland spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1105 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 0, Excused - 2.

Voting yea: Representatives Ballard, Basich, Beck, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin,

Fraser, Fuhrman, Grant, Haugen, Hine, Hochstatter, Holland, Horn, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Anderson, Appelwick, Belcher, Dorn, Heavey, Insee, Jacobsen, Ludwig, Phillips, Riley, Rust, Sommers, H., Sprenkle, Wang - 14.

Excused: Representatives Hargrove, Wilson - 02.

Engrossed Substitute House Bill No. 1105 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

By accident I voted "yea" instead of "nay" on final passage of Engrossed Substitute House Bill No. 1105 as amended by the Senate. Please record in the Journal a "nay" vote.

MARILYN RASMUSSEN, 2nd District.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1112 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. The legislature finds that the lands owned and managed by the state parks and recreation commission are a significant collection of valuable natural, historical, and cultural resources for the citizens of Washington state. The legislature further finds that if citizens understand and appreciate the state park ecological resources, they will come to appreciate and understand the ecosystems and natural resources throughout the state. Therefore, the state parks and recreation commission may increase the use of its facilities and resources to provide environmental interpretation throughout the state parks system.

NEW SECTION. Sec. 2. DEFINITIONS. The state parks and recreation commission may provide environmental interpretative activities for visitors to state parks that:

- (1) Explain the functions, history, and cultural aspects of ecosystems;
- (2) Explain the relationship between human needs, human behaviors and attitudes, and the environment; and
- (3) Offer experiences and information to increase citizen appreciation and stewardship of the environment and its multiple uses.

NEW SECTION. Sec. 3. The state parks and recreation commission may consult and enter into agreements with and solicit assistance from private sector organizations and other governmental agencies that are interested in conserving and interpreting Washington's environment. The commission shall not permit commercial advertising in state park lands or interpretive centers as a condition of such agreements. Logos or credit lines for sponsoring organizations may be permitted. The commission shall maintain an accounting of all monetary gifts provided, and expenditures of monetary gifts shall not be used to increase personnel.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 43.51 RCW.

On page 1, line 2 of the title, after "parks;" strike the remainder of the title and insert "and adding new sections to chapter 43.51 RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Belcher moved that the House do concur in the Senate amendments to Substitute House Bill No. 1112. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1112 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1112 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

Substitute House Bill No. 1112 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 22, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.16.014 and 1987 c 453 s 3 are each amended to read as follows:

In addition to the commission members appointed under RCW 67.16.012, there shall be four ex officio nonvoting members consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be

appointed by the president of the senate; and (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives. The appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first. Members may be reappointed, and vacancies shall be filled in the same manner as original appointments are made. The ex officio members shall assist in the policy making, rather than administrative, functions of the commission, and shall collect data deemed essential to future legislative proposals and exchange information with the commission. The ex officio members shall be deemed engaged in legislative business while in attendance upon the business of the commission and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the horse racing commission fund as being expenses relative to commission business.

~~((This section shall expire on October 31, 1991.))~~

Sec. 2. RCW 67.16.100 and 1985 c 466 s 67 and 1985 c 146 s 6 are each reenacted and amended to read as follows:

In addition to the license fees required by this chapter, the licensee shall pay to the commission the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with RCW 67.16.105, which sums shall be paid daily to the commission.

All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter and excluding those sums collected under RCW 67.16.105(3), shall be disposed of by the commission as follows: ~~((Twenty-two))~~ Fifty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. ~~((Forty))~~ One percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of trade and economic development for the sole purpose of assisting state trade fairs. ~~((Thirty-five))~~ Forty-six percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 3. RCW 67.16.102 and 1982 c 132 s 5 are each amended to read as follows:

(1) Notwithstanding any other provision of chapter 67.16 RCW to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the percentages authorized by RCW 67.16.100 and 67.16.130, as now or hereafter amended, and RCW 67.16.105, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth Washington bred only at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: **PROVIDED**, That nothing in this section shall apply to race meets which are nonprofit in nature, or of ten days or less or which have an average daily handle of less than one hundred twenty thousand dollars: **PROVIDED**,

That the additional one percent of the gross receipts of all parimutuel machines at each race meet and the amount retained by the commission as specified in RCW 67.16.100 shall be deposited daily in a time deposit by the commission and the interest derived therefrom shall be distributed annually on an equal basis to those race courses at which independent race meets are held which are nonprofit in nature and are of ten days or less: PROVIDED, That prior to receiving a payment under this section any new race course shall meet the qualifications set forth in this section for a period of two years: PROVIDED, FURTHER, That said distributed funds shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses.

(2) The commission is authorized to pay fifty percent of the funds retained under this section to a new licensee, from that new licensee's race meet, for reimbursement of capital construction of the licensee's new racetrack for a period of five years. The funds referred to in this section do not include interest earned and the interest shall continue to be collected and disbursed as provided in RCW 67.16.101 and subsection (1) of this section. The funds referred to in this section shall be distributed at the end of the calendar year.

Sec. 4. RCW 67.16.105 and 1987 c 347 s 4 are each amended to read as follows:

~~((Except as provided for satellite wagers in RCW 67.16.210,))~~ The licensee shall pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet, including satellites:

(1) If the daily gross receipts of all parimutuel machines, including satellites, are more than two hundred fifty thousand dollars, the licensee shall pay to the commission daily two and one-half percent of the daily gross receipts((, if the daily gross receipts are two hundred thousand dollars or less));

(2) If the daily gross receipts of all parimutuel machines, including satellites, are two hundred fifty thousand dollars or less, the licensee shall pay to the commission daily one percent of the daily gross receipts((, if the daily gross receipts are two hundred thousand one dollars to four hundred thousand dollars)); and

(3) ((Four percent of the daily gross receipts if the daily gross receipts are four hundred thousand one dollars or more)) In addition, one-tenth of one percent of the daily gross receipts of all parimutuel machines including satellites shall be forwarded to the commission for payment to those nonprofit race meets as set forth in RCW 67.16.130 and said percentage shall not be charged against the licensee. The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund. Payments to nonprofit race meets under this subsection shall be distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 for the five consecutive years immediately preceding the year of payment.

Sec. 5. RCW 67.16.130 and 1985 c 146 s 8 are each amended to read as follows:

(1) Notwithstanding any other provision of law or of chapter 67.16 RCW, the commission may license race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, at a daily licensing fee of ten dollars, and the sponsoring nonprofit association shall be exempt from any other fees as provided for in chapter 67.16 RCW or by rule or regulation of the commission: PROVIDED, That the commission on or after January 1, 1971 may deny the application for a license to conduct a racing meet by a nonprofit association, if same shall be determined not to be a nonprofit association by the Washington state racing commission.

(2) Notwithstanding any other provision of law or of chapter 67.16 RCW the licensees of race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, shall withhold and shall pay daily to the commission (~~the percentages authorized by RCW 67.16.105, 67.16.170, and 67.16.175~~) one-half percent.

(3) Notwithstanding any other provision of law or of chapter 67.16 RCW or any rule promulgated by the commission, no license for a race meet which is nonprofit in nature, of ten days or less, and which has an average daily handle of one hundred twenty thousand dollars or less, shall be denied for the reason that the applicant has not installed an electric parimutuel tote board.

(4) As a condition to the reduction in fees as provided for in subsection (1) (~~hereof~~) of this section, all fees charged to horse owners, trainers, or jockeys, or any other fee charged for a permit incident to the running of such race meet shall be retained by the commission as reimbursement for its expenses incurred in connection with the particular race meet.

Sec. 6. RCW 67.16.170 and 1987 c 347 s 2 are each amended to read as follows:

~~(Except as provided for satellite wagers in RCW 67.16.220,)~~ Race meets, including satellites, which have gross receipts of all parimutuel machines for each authorized day of racing may retain the following from the daily gross receipts of all parimutuel machines:

(1) ~~(On a daily handle of two hundred thousand dollars or less, the licensee shall retain fourteen)~~ If the daily gross receipts of all parimutuel machines, including satellites, are more than two hundred fifty thousand dollars, the licensee may retain twelve and one-half percent of ((such)) the daily gross receipts;

(2) ~~(On a daily handle of two hundred thousand one dollars to four hundred thousand dollars, the licensee shall)~~ If the daily gross receipts of all parimutuel machines, including satellites, are two hundred fifty thousand dollars or less, the licensee may retain fourteen percent of ((such)) the daily gross receipts; and

(3) ~~(On a daily handle of four hundred thousand one dollars or more, the licensee shall retain eleven percent of such gross receipts.)~~ Licensees of race meets that are nonprofit in nature of ten days or less and that have an average daily handle of one hundred twenty thousand dollars or less may retain fourteen and one-half percent of daily gross receipts.

Sec. 7. RCW 67.16.175 and 1987 c 453 s 1 and 1987 c 347 s 3 are each reenacted and amended to read as follows:

(1) ~~(Except as provided for satellite wagers in RCW 67.16.210 and 67.16.220, daily gross receipts of all parimutuel machines from wagers on exotic races shall be distributed according to this section:~~

~~(a) In addition to the amounts set forth in RCW 67.16.105, an additional two and five tenths percent of gross receipts on races with two or more selections and three and five tenths percent of gross receipts on races with three or more selections shall be paid to the commission. The commission shall retain thirty one percent of the additional percentages from exotic races and shall forward the balance to the state treasurer daily for deposit in the general fund.~~

~~(b) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional three percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring two selections to be used as provided in subsection (2) of this section:~~

~~(c) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring three or more selections to be used as provided in subsection (2) of this section.)~~ In addition to the amounts authorized to be

retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel machines from wagers on exotic wagers.

(2) Of the amounts retained in subsection (1) (~~((b) and (c))~~) of this section, one percent of the daily gross receipts of all parimutuel machines from wagers on exotic wagers shall be used for Washington-bred breeder awards (~~(, not to exceed twenty percent of the winner's share of the purse)~~).

(3) (~~(Any portion of the remaining moneys retained in subsection (1) (b) and (c) of this section shall be shared equally by the race track and participating horsemen. The amount shared by participating horsemen shall be in addition to and shall not supplant the customary purse structure between race tracks and participating horsemen)~~) Of the amounts retained for breeder awards under subsection (2) of this section, twenty-five percent shall be retained by a new licensee for reimbursement of capital construction of the licensee's new race track for a period of five years.

(4) As used in this section, "exotic (~~(races)~~) wagers" means any multiple wager. Exotic (~~(races)~~) wagers are subject to approval of the commission.

Sec. 8. RCW 67.16.200 and 1987 c 347 s 1 are each amended to read as follows:

(1) A racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering on its program at a satellite location or locations within the state of Washington. The sale of parimutuel pools at satellite locations shall be conducted only during the licensee's race meet and simultaneous to all parimutuel wagering activity conducted at the licensee's racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location.

(b) The commission shall not allow a licensee to conduct satellite wagering at a satellite location within (~~(fifty air)~~) twenty ground miles of the licensee's racing facility. For purposes of this section, "ground miles" means miles measured from point to point in a straight line.

(c)(i) The commission may allow a licensee to conduct satellite wagering at a satellite location within fifty (~~(air)~~) ground miles of the racing facility of another licensee who conducts race meets of thirty days or more, but only if the satellite location is the racing facility of another licensee who conducts race meets of thirty days or more and only if the licensee seeking to conduct satellite wagering suspends its program during the conduct of the meets of all licensees within fifty (~~(air)~~) ground miles; except that the commission may allow a licensee that conducts satellite wagering at another track, pursuant to this subsection, to use other satellite locations, used by that track with the approval of the owner of that track, even though those satellite locations are within a fifty ground mile radius.

(ii) Subject to subsection (1)(c)(i) of this section, the commission may allow a licensee to conduct satellite wagering at a satellite location within fifty (~~(air)~~) ground miles of the racing facility of another licensee who conducts race meets of under thirty days, but only if the licensee seeking to conduct satellite wagering suspends its satellite program during the conduct of the meets of all licensees within fifty (~~(air)~~) ground miles.

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, 67.16.130, 67.16.170, and 67.16.175(~~(, 67.16.210, and~~

~~67.16.220~~). A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

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

- (1) RCW 67.16.210 and 1987 c 347 s 5;
- (2) RCW 67.16.220 and 1987 c 347 s 6;
- (3) RCW 67.16.910 and 1990 c 297 s 24; and
- (4) RCW 67.16.911 and 1990 c 297 s 25.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "racing;" strike the remainder of the title and insert "amending RCW 67.16.014, 67.16.102, 67.16.105, 67.16.130, 67.16.170, and 67.16.200; reenacting and amending RCW 67.16.100 and 67.16.175; repealing RCW 67.16.210, 67.16.220, 67.16.910, and 67.16.911; and declaring an emergency." and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Mr. Wang moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1120 and ask the Senate to recede therefrom.

Representatives Wang and Holland spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 8, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1137 with the following amendments:

On page 5, after line 21, insert a new subsection to read as follows:

"(6) Beginning January 1, 1992, no city with a population in excess of four hundred thousand shall receive any distribution of moneys from the municipal criminal justice assistance account until the city has entered an agreement with the office of court administrator regarding the utilization of the district and municipal court information system. The agreement shall require any municipal court system of such cities to be linked to the system and be fully capable of on-line use of the data contained therein. The agreement shall specify a date by which such linkage and use shall be effective and in no event shall the date be later than January 1, 1994, unless funding is not made available by the legislature, in which case the date for linkage shall be postponed only until such funding is available."

Renumber the remaining subsections consecutively and correct internal cross references.

On page 6, line 28, after "more," insert "any county located east of the crest of the Cascade mountains with a population of one hundred fifty thousand or more," and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendment on page 6, line 28 to Substitute House Bill No. 1137, refuse to concur in the Senate amendment on page 5, after line 21, and ask the Senate to recede therefrom.

Ms. Haugen spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1139 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The state board of education rules for continuing education shall provide that educational staff associates may use credits or clock hours that satisfy the continuing education requirements for their state professional licensure, if any, to fulfill the continuing education requirements established by the state board of education.

On page 1, line 1 of the title, after "requirements;" strike the remainder of the title and insert "and adding a new section to chapter 28A.415 RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1139.

Ms. Brough spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1139 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1139 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller,

Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

Engrossed House Bill No. 1139 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181 with the following amendments:

On page 23, after line 9, insert the following:

NEW SECTION. Sec. 31. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 3 of the title, after "RCW;" insert "creating a new section;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Heavey moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1181.

Mr. Heavey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1181 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1181 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 2, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden,

Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Sommers, H., Wang - 02.

Excused: Representatives Hargrove, Wilson - 02.

Engrossed Substitute House Bill No. 1181 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1206 with the following amendments:

On page 5, line 13, after "shall" strike the remainder of the sentence and insert "only apply to orders assessing an overpayment which are issued on or after the effective date of this act: PROVIDED, That this subsection shall apply retroactively to all orders assessing an overpayment resulting from fraud, civil, or criminal."

On page 5, after line 15, insert the following subsection:

"(6) Order assessing an overpayment which are issued on or after the effective date of this act shall include a conspicuous notice of the collection methods available to the department or self-insurer."

On page 10, after line 20, insert the following:

Sec. 3. RCW 51.12.100 and 1988 c 271 s 2 are each amended to read as follows:

(1) The provisions of this title shall not apply to a master or member of a crew of any vessel, or to employers and workers for whom a right or obligation exists under the maritime laws or federal employees' compensation act for personal injuries or death of such workers.

(2) If an accurate segregation of payrolls of workers for whom such a right or obligation exists under the maritime laws cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the payrolls of employees to cover the part of their work for which no right or obligation exists under the maritime laws for injuries or death occurring in such work, and the employer, if not a self-insurer, shall pay premiums on that basis for the time such workers are engaged in their work.

(3) Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workers, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

(4) In the event payments are made under this title prior to the final determination under the maritime laws or federal employees' compensation act, such benefits shall be repaid by the worker or beneficiary if recovery is subsequently made under the maritime laws or federal employees' compensation act.

On page 10, after line 20, insert the following:

Sec. 3. RCW 51.16.110 and 1977 ex.s. c 323 s 12 are each amended to read as follows:

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his or her payroll in connection therewith, or who was formerly a self-insurer and wishes to continue his or her operations

subject to this title, shall, before so commencing or resuming or continuing operations, as the case may be, notify the department of such fact (~~accompanying such notification with a cash deposit in a sum equal to the estimated premiums for the first three full calendar months of his or her proposed operations which shall remain on deposit subject to the other provisions of this section.~~

~~The department may, in its discretion and in lieu of such deposit, accept a bond, in an amount which it deems sufficient, to secure payment of premiums due or to become due to the accident fund and medical aid fund. The deposit or posting of a bond shall not relieve the employer from paying premiums subsequently due.~~

~~Should the employer acquire sufficient assets to assure the payment of premiums due to the accident fund and the medical aid fund the department may, in its discretion, refund the deposit or cancel the bond.~~

~~If the employer ceases to be an employer under this title, the department shall, upon receipt of all payments due the accident fund and medical aid fund, or any other fund under this title, refund to the employer all deposits remaining to the employer's credit and shall cancel any bond given under this section.)~~

NEW SECTION. Sec. 4. RCW 51.16.115 and 1986 c 9 s 7 are each repealed.

On page 1, line 1 of the title, after "payments;" strike "and"

On page 1, line 2 of the title, after "51.32.240" strike "and 51.32.050" and insert ", 51.32.050, and 51.16.110; and repealing RCW 51.16.115"

On page 1, line 2 of the title, strike "and 51.32.050" and insert ", 51.32.050, and 51.12.100"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Heavey moved that the House do concur in the Senate amendments to House Bill No. 1206.

Mr. Heavey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be, final passage of House Bill No. 1206 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1206 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslie, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley,

Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

House Bill No. 1206 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214 with the following amendment:

On page 3, line 6, strike "(3)" and insert "(4)" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Anderson moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1214.

Mr. Anderson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1214 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1214 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

Engrossed Substitute House Bill No. 1214 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1222 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.315 RCW to read as follows:

It is the responsibility of each school district board of directors to prepare for the division or redivision of the district into director districts no later than eight months after any of the following:

(1) Receipt of federal decennial census data from the redistricting commission established in RCW 44.05.030;

(2) Consolidation of two or more districts into one district under RCW 28A.315.270;

(3) Transfer of territory to or from the district under RCW 28A.315.280;

(4) Annexation of territory to or from the district under RCW 28A.315.290 or 28A.315.320; or

(5) Approval by a majority of the registered voters voting on a proposition authorizing the division of the district into director districts pursuant to RCW 28A.315.590.

The districting or redistricting plan shall be consistent with the criteria and adopted according to the procedure established under RCW 29.70.100.

Sec. 2. RCW 28A.315.110 and 1990 c 161 s 2 are each amended to read as follows:

The powers and duties of each regional committee shall be:

(1) To initiate, on its own motion and whenever it deems such action advisable, proposals or alternate proposals for changes in the organization and extent of school districts in the educational service district; to receive, consider, and revise, whenever in its judgment revision is advisable, proposals initiated by petition or presented to the committee by the educational service district superintendent as provided for in this chapter; to prepare and submit to the state board any of the aforesaid proposals that are found by the regional committee to provide for satisfactory improvement in the school district system of the educational service district and state; to prepare and submit with the aforesaid proposals, a map showing the boundaries of existing school districts affected by any proposed change and the boundaries, including a description thereof, of each proposed new school district or of each existing school district as enlarged or diminished by any proposed change, or both, and a summary of the reasons for the proposed change; and such other reports, records, and materials as the state board may request. The committee may utilize as a basis of its proposals and changes that comprehensive plan for changes in the organization and extent of the school districts of the county prepared and submitted to the state board prior to September 1, 1956, or, if the then county committee found, after considering the factors listed in RCW 28A.315.120, that no changes in the school district organization of the county were needed, the report to this effect submitted to the state board.

(2)(a) To make an equitable adjustment of the property and other assets and of the liabilities, including bonded indebtedness and excess tax levies as otherwise authorized under this section, as to the old school districts and the new district or districts, if any,

involved in or affected by a proposed change in the organization and extent of the school districts; and (b) to make an equitable adjustment of the bonded indebtedness outstanding against any of the aforesaid districts whenever in its judgment such adjustment is advisable, as to all of the school districts involved in or affected by any change heretofore or hereafter effected; and (c) to provide that territory transferred from a school district by a change in the organization and extent of school districts shall either remain subject to, or be relieved of, any one or more excess tax levies which are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory from the school district; and (d) to provide that territory transferred to a school district by a change in the organization and extent of school districts shall either be made subject to, or be relieved of, any one or more excess tax levies which are authorized for the school district under RCW 84.52.053 before the effective date of the transfer of territory to the school district; and (e) to submit to the state board the proposed terms of adjustment and a statement of the reasons therefor in each case. In making the adjustments herein provided for, the regional committee shall consider the number of children of school age resident in and the assessed valuation of the property located in each school district and in each part of a district involved or affected; the purpose for which the bonded indebtedness of any school district was incurred; the value, location, and disposition of all improvements located in the school districts involved or affected; and any other matters which in the judgment of the committee are of importance or essential to the making of an equitable adjustment.

(3) To hold and keep a record of a public hearing or public hearings (a) on every proposal for the formation of a new school district or for the transfer from one existing district to another of any territory in which children of school age reside or for annexation of territory when the conditions set forth in RCW 28A.315.290 or 28A.315.320 prevail; and (b) on every proposal for adjustment of the assets and of the liabilities of school districts provided for in this chapter. Three members of the regional committee or two members of the committee and the educational service district superintendent may be designated by the committee to hold any public hearing that the committee is required to hold. The regional committee shall cause notice to be given, at least ten days prior to the date appointed for any such hearing, in one or more newspapers of general circulation within the geographical boundaries of the school districts affected by the proposed change or adjustment. In addition notice may be given by radio and television, or either thereof, when in the committee's judgment the public interest will be served thereby.

~~(4) ((To divide into five school directors' districts all first and second class school districts now in existence and not heretofore so divided and all first and second class school districts hereafter established: PROVIDED, That no first or second class school district shall be divided into directors' districts and no second class school district shall be divided into a combination of no fewer than three directors' districts nor more than two directors at large, unless a majority of the registered voters voting thereon at an election shall approve a proposition authorizing the division of the district in such manner. The boundaries of each directors' district shall be so established that each such district shall comprise as nearly as practicable an equal portion of the population of the school district.~~

~~(5) To rearrange at any time the committee deems such action advisable in order to correct inequalities caused by changes in population and changes in school district boundaries, the boundaries of any of the directors' districts of any school district heretofore or hereafter so divided: PROVIDED, That a petition therefor, shall be required for rearrangement in order to correct inequalities caused by changes in population. Said petition shall be signed by at least ten registered voters residing in the aforesaid school district, and shall be presented to the educational service district superintendent. A public hearing thereon shall be held by the regional committee, which hearing shall be called and conducted in the manner prescribed in subsection (3) of this section.~~

(6)) To prepare and submit to the superintendent of public instruction from time to time or, upon his or her request, reports and recommendations respecting the urgency of need for school plant facilities, the kind and extent of the facilities required, and the development of improved local school administrative units and attendance areas in the case of school districts that seek state assistance in providing school plant facilities.

Sec. 3. RCW 28A.315.580 and 1990 c 161 s 5 and 1990 c 33 s 319 are each reenacted and amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the ~~((regional committee))~~ board of directors to divide the school district, if formed, into five directors' districts in first class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second class school districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.550. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district.

Sec. 4. RCW 28A.315.590 and 1990 c 161 s 6 are each amended to read as follows:

The board of directors of every first class school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the ~~((regional committee))~~ board of directors to divide the district into directors' districts or for second class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition ~~((shall be))~~ is affirmative, the ~~((regional committee))~~ board of directors shall proceed to divide the district into directors' districts following the procedure established in RCW 29.70.100. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 5. RCW 28A.315.670 and 1990 c 33 s 327 are each amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board ~~((and approved by the county committee on school district organization))~~, such boundaries to be established so that each such district shall ~~((comprise))~~ comply, as nearly as practicable, ~~((an equal portion of the population of the school district))~~ with the criteria

established in RCW 29.70.100. Boundaries of such director districts shall be adjusted by the school board ~~((and approved by the county committee))~~ following the procedure established in RCW 29.70.100 after each federal decennial census if population change shows the need thereof to comply with the ~~((equal population requirement above))~~ criteria of RCW 29.70.100. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon in the primary election by the registered voters of that particular director district: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of votes at the primary for each director district position shall appear on the general election ballot under such position and shall be voted upon by all the registered voters in the school district. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

Sec. 6. RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327 are each reenacted and amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board ~~((and approved by the county committee on school district organization))~~, such boundaries to be established so that each such district shall ~~((comprise))~~ comply, as nearly as practicable, ~~((an equal portion of the population of the school district))~~ with the criteria established in RCW 29.70.100. Boundaries of such director districts shall be adjusted by the school board ~~((and approved by the county committee))~~ following the procedure established in RCW 29.70.100 after each federal decennial census if population change shows the need thereof to comply with the ~~((equal population requirement above))~~ criteria of RCW 29.70.100. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29 RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29 RCW. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

Sec. 7. RCW 28A.315.680 and 1990 c 33 s 328 are each amended to read as follows:

~~((Within thirty days after March 25, 1969,))~~ The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall establish the director district boundaries ~~((and obtain approval thereof by the county committee on school district organization))~~. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of

candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, 29.21.180, and 29.21.210.

Sec. 8. RCW 28A.315.680 and 1990 c 59 s 72 and 1990 c 33 s 328 are each reenacted and amended to read as follows:

~~((Within thirty days after March 25, 1969,))~~ The school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall establish the director district boundaries ~~((and obtain approval thereof by the county committee on school district organization))~~. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, and 29.21.180.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.315 RCW to read as follows:

(1) Any district boundary changes, including changes in director district boundaries, shall be submitted to the county auditor by the school district board of directors within thirty days after the changes have been approved by the board. The board shall submit both legal descriptions and maps.

(2) Any boundary changes submitted to the county auditor after the fourth Monday in June of odd-numbered years shall not take effect until the following year.

NEW SECTION. Sec. 10. RCW 28A.315.685 and 1990 c 161 s 1 are each repealed.

NEW SECTION. Sec. 11. Sections 5 and 7 of this act shall expire July 1, 1992.

NEW SECTION. Sec. 12. Sections 6 and 8 of this act shall take effect July 1, 1992.

NEW SECTION. Sec. 13. Sections 1 through 5, 7, and 10 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.315.110, 28A.315.590, 28A.315.670, and 28A.315.680; reenacting and amending RCW 28A.315.580, 28A.315.670, and 28A.315.680; adding new sections to chapter 28A.315 RCW; repealing RCW 28A.315.685; providing an effective date; providing an expiration date; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to Substitute House Bill No. 1222.

Ms. Brough spoke against the motion, and Mr. Peery spoke in favor of it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1222 as amended by the Senate.

Mr. Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1222 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

Substitute House Bill No. 1222 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1262 with the following amendment:

On page 1, line 12, after "state" insert ": PROVIDED, That an overweight permit has been obtained by the tow truck operator with such permit being available on a twenty-four hour basis by telephone" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendment to House Bill No. 1262.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1262 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1262 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Heavey - 01.

Excused: Representatives Hargrove, Wilson - 02.

House Bill No. 1262 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1263 with the following amendments:

On page 1, after line 12, insert a new section as follows:

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On line 2 of the title, before "repealing" strike "and" and before the period insert "; and declaring an emergency" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments to House Bill No. 1263. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1263 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1263 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

House Bill No. 1263 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1277 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.140.900 and 1981 c 158 s 8 are each amended to read as follows:

This chapter shall terminate on June 30, (~~1991~~) 2001.

Sec. 2. RCW 28A.515.320 and 1981 c 158 s 6 are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund from and after July 2, 1967, together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund from and after July 1, 1967; (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, (~~1991~~) 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the state energy office, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion

of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income foregone, before the end of the next fiscal biennium following such use.

NEW SECTION. Sec. 3. A new section is added to chapter 79.12 RCW to read as follows:

In an effort to increase potential revenue to the goethermal account, the department of natural resources shall, by December 1, 1991, adopt rules providing guidelines and procedures for leasing state-owned land for the development of geothermal resources.

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "amending RCW 43.140.900 and 28A.515.320; and adding a new section to chapter 79.12 RCW."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. H. Myers moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1277. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1277 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1277 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

Engrossed House Bill No. 1277 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1313 with the following amendments:

On page 3, line 4, after "income of" strike "eighteen" and insert "~~((eighteen))~~ thirty"

On page 3, line 7, after "income of" strike "fourteen" and insert "~~((fourteen))~~ twenty-four"

On page 3, line 9, after "greater of" strike "twenty-four" and insert "~~((twenty-four))~~ forty"

On page 3, line 11, before "thousand" strike "forty" and insert "~~((forty))~~ one hundred"

On page 3, line 13, after "income of" strike "twelve" and insert "~~((twelve))~~ eighteen"

On page 3, line 14, after "greater of" strike "twenty-eight" and insert "~~((twenty-eight))~~ forty"

On page 3, line 16, after "residence" insert ", but not to exceed one hundred thousand dollars of the valuation of his or her residence" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Mr. Wang: Mr. Speaker, I wish that you would review the Senate amendments to Substitute House Bill No. 1313 and consider whether or not they fall within the scope and object of the bill.

MOTION

With consent of the House, further consideration of Substitute House Bill No. 1313 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1326 with the following amendments:

On page 2, line 27, after "paid the" strike "actual"

On page 3, line 4, after "including" strike "actual" and insert "~~((actual))~~" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Nelson moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1326 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1342 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislative authority of a border area jurisdiction may, by resolution for the purposes authorized in this chapter and by approval of a majority of the registered voters of the jurisdiction voting on the proposition at a general or special election, fix and impose an excise tax on the retail sale of motor vehicle fuel and special fuel within the jurisdiction. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed. The rate of such tax shall be in increments of one-tenth of a cent per gallon and shall not exceed one cent per gallon.

The tax imposed in this section shall be collected and paid to the jurisdiction but once in respect to any motor vehicle fuel or special fuel. This tax shall be in addition to any other tax authorized or imposed by law.

For purposes of this chapter, the term "border area jurisdictions" means all cities and towns within ten miles of an international border crossing and any transportation benefit district established under RCW 36.73.020 which has within its boundaries an international border crossing.

NEW SECTION. Sec. 2. The definitions set forth in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) "Motor vehicle fuel" has the meaning given in RCW 82.36.010(2).

(2) "Special fuel" has the meaning given in RCW 82.38.020(5).

(3) "Motor vehicle" has the meaning given in RCW 82.36.010(1).

NEW SECTION. Sec. 3. The entire proceeds of the tax imposed under this chapter, less refunds authorized by the resolution imposing such tax and less amounts deducted by the border area jurisdiction for administration and collection expenses, shall be used solely for the purposes of border area jurisdiction street maintenance and construction.

Sec. 4. RCW 82.36.440 and 1990 c 42 s 204 are each amended to read as follows:

The tax levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing motor vehicle fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of motor vehicle fuel, except as provided in RCW 82.80.010 and section 1 of this act.

Sec. 5. RCW 82.38.280 and 1990 c 42 s 205 are each amended to read as follows:

The tax levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing special fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of special fuel, except as provided in RCW 82.80.010 and section 1 of this act.

NEW SECTION. Sec. 6. Sections 1 through 3 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 2 of the title, after "fuels;" strike the remainder of the title and insert "amending RCW 82.36.440 and 82.38.280; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 1342.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1342 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1342 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 62, Nays - 34, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, R., Forner, Franklin, Fraser, Grant, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Ballard, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Fisher, G., Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wynne - 34.

Excused: Representatives Hargrove, Wilson - 02.

Substitute House Bill No. 1342 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1416 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature declares that the public and private propagation, production, protection, and enhancement of fish is in the public interest.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the Washington department of wildlife.

(2) "Contract" means an agreement setting at a minimum, price, quantity of fish to be delivered, time of delivery, and fish health requirements.

(3) "Fish health requirements" means those site specific fish health and genetic requirements actually used by the department of wildlife in fish stocking.

(4) "Aquatic farmer" means a private sector person who commercially farms and manages private sector cultured aquatic products on the person's own land or on land in which the person has a present right of possession.

(5) "Person" means a natural person, corporation, trust, or other legal entity.

NEW SECTION. Sec. 3. If the department requires, pursuant to its authority relative to environmental permits or licenses, that resident hatchery game fish be stocked by the permittee or licensee for mitigation of environmental damage, the department shall specify the pounds or numbers, species, stock, and/or race of resident game fish that are to be provided. The department shall offer the permittee or licensee the option of purchasing under contract from aquatic farmers in Washington, those game fish, unless the fish specified by the department are not available from Washington growers.

NEW SECTION. Sec. 4. Any agency of state or federal government, political subdivision of the state, private or public utility company, corporation, or sports group, or any purchaser of fish under section 3 of this act may purchase resident game fish from an aquatic farmer for stocking purposes if permit requirements of this title and the department have been met.

NEW SECTION. Sec. 5. A new section is added to chapter 43.131 RCW to read as follows:

The game fish mitigation program created in sections 1 through 4 of this act shall be terminated on June 30, 1994, as provided in section 6 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 43.131 RCW to read as follows:

The following acts, or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

(1) RCW 77.--- and 1991 c ... s ... (section 1 of this act);

(2) RCW 77.--- and 1991 c ... s ... (section 2 of this act);

(3) RCW 77.--- and 1991 c ... s ... (section 3 of this act); and

(4) RCW 77.--- and 1991 c ... s ... (section 4 of this act).

NEW SECTION. Sec. 7. Sections 1 through 4 of this act shall constitute a new chapter in Title 77 RCW.

On page 1, line 1 of the title, after "mitigation;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; and adding a new chapter to Title 77 RCW."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. R. King moved that the House do concur in the Senate amendments to Substitute House Bill No. 1416.

Mr. R. King spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1416 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1416 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

Substitute House Bill No. 1416 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that public concerns are increasing about the need for significant efforts to develop sustainable systems in agriculture. The sustainable systems would address many anxieties, including the erosion of agricultural lands, the protection and wise utilization of natural resources, and the safety of food production. Consumers have demonstrated their apprehension in the marketplace by refusing to purchase products whose safety is suspect and consumer confidence is essential for a viable agriculture in Washington. Examples of surface and ground water contamination by pesticides and chemical fertilizers raise concerns about deterioration of environmental quality. Reducing soil erosion would maintain water quality and protect the long-term viability of the soil for agricultural productivity. Both farmers and farm

labor are apprehensive about the effects of pesticides on their health and personal safety. Development of sustainable farming systems would strengthen the economic viability of Washington's agricultural production industry.

Public anxieties over the use of chemicals in agriculture have resulted in congress amending the federal insecticide, fungicide and rodenticide act which requires all pesticides and their uses registered before November 1984 to be reregistered, complying with present standards, by the end of 1997. The legislature finds that the pesticide reregistration process and approval requirements could reduce the availability of chemical pesticides for use on minor crops in Washington and may jeopardize the farmers' ability to grow these crops in Washington.

The legislature recognizes that Washington State University supports research and extension programs that can lead to reductions in pesticide use where viable alternatives are both environmentally and economically sound. Yet, the legislature finds that a focused and coordinated program is needed to develop possible alternatives, increase public confidence in the safety of the food system, and educate farmers and natural resource managers on land stewardship.

The legislature further finds that growers, processors, and agribusiness depend upon pesticide laboratories associated with manufacturers, regional universities, state departments of agriculture, and the United States department of agriculture to provide residue data for registering essential pesticides. The registration of uses for minor crops, which include vegetables, fruits, nuts, berries, nursery and greenhouse crops, and reregistration of needed chemicals, are activities of particular concern to ensure crop production. Furthermore, public demands for improved information and education on pesticides and risk assessment efforts justify these efforts.

The legislature further finds that multiple alternatives are needed for pest control, including programs for integrated pest management, genetic resistance to pests, biological control, cultural practices, and the use of appropriate approved chemicals.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Center" means the center for sustaining agriculture and natural resources established at Washington State University.

(2) "Laboratory" means the food and environmental quality laboratory established at Washington State University at Tri-Cities.

(3) "Integrated pest management" is a strategy that uses various combinations of pest control methods, biological, cultural, and chemical, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

(4) "IR-4 program" means interregional research project number four, clearances of chemicals and biologics for minor or special uses, established in 1963 by the cooperative state research service of the United States department of agriculture, the coordinated national program involving land-grant universities and the United States department of agriculture to provide data required for the registration of pesticides needed for the production of minor crops.

(5) "Natural resources" means soil, water, air, forests, wetlands, wildlands, and wildlife.

(6) "Pesticide" means chemical or biologic used to control pests such as insect, rodent, nematode, snail, slug, weed, virus, or any organism the director of agriculture may declare to be a pest.

(7) "Registration" means use of a pesticide approved by the state department of agriculture.

(8) "Sustainable agriculture" means a systems approach to farming, ranching, and natural resource production that builds on and supports the physical, biological, and ecological resource base upon which agriculture depends. The goals of sustainable

agriculture are to provide human food and fiber needs in an economically viable manner for the agriculture industry and in a manner which protects the environment and contributes to the overall safety and quality of life.

NEW SECTION. Sec. 3. A center for sustaining agriculture and natural resources is established at Washington State University. The center shall provide state-wide leadership in research, extension, and resident instruction programs to sustain agriculture and natural resources.

NEW SECTION. Sec. 4. The center is to work cooperatively with the University of Washington to maximize the use of financial resources in addressing forestry issues. The center's primary activities include but are not limited to:

(1) Research programs which focus on developing possible alternative production and marketing systems through:

- (a) Integrated pest management;
- (b) Biological pest control;
- (c) Plant and animal breeding;
- (d) Conservation strategies; and
- (e) Understanding the ecological basis of nutrient management;

(2) Extension programs which focus on:

(a) On-farm demonstrations and evaluation of alternative production practices;

(b) Information dissemination, and education concerning sustainable agriculture and natural resource systems; and

(c) Communication and training on sustainable agriculture strategies for consumers, producers, and farm and conservation-related organizations;

(3) On-farm testing and research to calculate and demonstrate costs and benefits, including economic and environmental benefits and trade-offs, inherent in farming systems and technologies;

(4) Crop rotation and other natural resource processes such as pest-predator interaction to mitigate weed, disease, and insect problems, thereby reducing soil erosion and environmental impacts;

(5) Management systems to improve nutrient uptake, health, and resistance to diseases and pests by incorporating the genetic and biological potential of plants and animals into production practices;

(6) Soil management, including conservation tillage and other practices to minimize soil loss and maintain soil productivity; and

(7) Animal production systems emphasizing preventive disease practices and mitigation of environmental pollution.

NEW SECTION. Sec. 5. The center is managed by an administrator. The administrator shall hold a joint appointment as an assistant director in the Washington State University agricultural research center and cooperative extension.

(1) A committee shall advise the administrator. The dean of the Washington State University college of agriculture and home economics shall make appointments to the advisory committee so the committee is representative of affected groups, such as the Washington department of social and health services, the Washington department of ecology, the Washington department of agriculture, the chemical and fertilizer industry, food processors, marketing groups, consumer groups, environmental groups, farm labor, and natural resource and agricultural organizations.

(2) Each appointed member shall serve a term of three years, and one-third are appointed every year. The entire committee is appointed the first year: One-third for a term of one year, one-third for a term of two years, and one-third for a term of three years. A member shall continue to serve until a successor is appointed. Vacancies are filled by appointment for the unexpired term. The members of the advisory committee shall serve without compensation but shall be reimbursed for travel expenses incurred

while engaged in the business of the committee as provided in RCW 43.03.050 and 43.03.060.

(3) It is the responsibility of the administrator, in consultation with the advisory committee, to:

(a) Recommend research and extension priorities for the center;

(b) Conduct a competitive grants process to solicit, review, and prioritize research and extension proposals; and

(c) Advise Washington State University on the progress of the development and implementation of research, teaching, and extension programs that sustain agriculture and natural resources of Washington.

NEW SECTION. Sec. 6. A food and environmental quality laboratory operated by Washington State University is established in the Tri-Cities area to conduct pesticide residue studies concerning fresh and processed foods, in the environment, and for human and animal safety. The laboratory shall cooperate with public and private laboratories in Washington, Idaho, and Oregon.

NEW SECTION. Sec. 7. The responsibilities of the laboratory shall include:

(1) Evaluating regional requirements for minor crop registration through the federal IR-4 program;

(2) Conducting studies on the fate of pesticides on crops and in the environment, including soil, air, and water;

(3) Improving pesticide information and education programs; and

(4) Assisting federal and state agencies with questions regarding registration of pesticides which are deemed critical to crop production, consistent with priorities established in section 8 of this act; and

(5) Assisting in the registration of biopesticides, pheromones, and other alternative chemical and biological methods.

NEW SECTION. Sec. 8. The laboratory is advised by a board appointed by the dean of the Washington State University college of agriculture and home economics. The dean shall cooperate with appropriate officials in Washington, Idaho, and Oregon in selecting board members.

(1) The board shall consist of one representative from each of the following interests: A human toxicologist or a health professional knowledgeable in worker exposure to pesticides, the Washington State University vice-provost for research or research administrator, representatives from the state department of agriculture, the department of ecology, the department of health, the department of labor and industry, privately owned Washington pesticide analytical laboratories, federal regional pesticide laboratories, an Idaho and Oregon laboratory, whether state, university, or private, a chemical and fertilizer industry representative, farm organizations, food processors, marketers, farm labor, environmental organizations, and consumers. Each board member shall serve a three-year term. The members of the board shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the board as provided in RCW 43.03.050 and 43.03.060.

(2) The board is in liaison with the pesticide advisory board and the pesticide incident reporting and tracking panel and shall review the chemicals investigated by the laboratory according to the following criteria:

(a) Chemical uses for which a data base exists on environmental fate and acute toxicology, and that appear safer environmentally than pesticides available on the market;

(b) Chemical uses not currently under evaluation by public laboratories in Idaho or Oregon for use on Washington crops;

(c) Chemicals that have lost or may lose their registration and that no reasonably viable alternatives for Washington crops are known; and

(d) Other chemicals vital to Washington agriculture.

(3) The laboratory shall conduct research activities using approved good laboratory practices, namely procedures and recordkeeping required of the national IR-4 minor use pesticide registration program.

(4) The laboratory shall coordinate activities with the national IR-4 program.

NEW SECTION. Sec. 9. The center for sustaining agriculture and natural resources at Washington State University shall prepare and present an annual report to the appropriate legislative committees. The report shall include the center's priorities to find alternatives to the use of agricultural chemicals that pose human and environmental risks. The first report, due no later than November 1, 1992, shall use federal criteria of acceptable risk of human and environmental exposure for establishing such priorities and for conducting responsive research and education programs. For each subsequent year, the report shall detail the center's progress toward meeting the goals identified in the center's plan.

NEW SECTION. Sec. 10. (1) The legislature finds that the center for sustaining agriculture and natural resources, established under sections 1 through 5 and 9 of this act, will require an appropriation in the 1991-93 omnibus appropriations act of one million two hundred thousand dollars.

(2) The legislature finds that the food and environmental quality laboratory established under sections 6 through 8 of this act will require an appropriation in the 1991-93 omnibus appropriations act of one million two hundred thousand dollars. If specific funding for the purposes of sections 6 through 8 of this act, referencing sections 6 through 8 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 8 of this act shall be null and void.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 15 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 15.58 RCW to read as follows:

The legislature finds that agriculture is the largest industry in the state of Washington largely due to the tremendous diversity of agricultural crops produced in the state. The tremendous public benefit from this diversity takes many forms, including greater selection and quality of foods for consumers. This crop diversity is heavily reliant on the ability of producers to effectively control pests. While new technologies are being developed to aid in pest control, their effectiveness has yet to be proven, and immediate needs can only be met through the use of plant protection products.

The legislature further finds that in order to preserve the agricultural diversity of the state and the availability of abundant, high quality food for consumers, it is vital that the registration and production of plant protection products for minor uses be maintained. The high cost of developing the necessary scientific information to support registration for these products for minor uses has caused many manufacturers to discontinue their involvement in these product development areas. As a result, growers who depend on the products for minor uses must now attempt to produce the necessary scientific information for product registration through other means to maintain an adequate array of products to produce the high quality crops demanded by processors and the consuming public. The registration procedure is so complex that it is beyond the ability of most small grower organizations to complete without technical assistance.

The purpose of this chapter is to enable the various agencies involved in pesticide registration to coordinate their activities to ensure the continued availability of plant protection products for minor uses. This coordination will promote the public welfare of the state of Washington by assuring the viability of farm operations, preventing the erosion of the tax base in rural areas, and enhancing the financial stability of the agricultural industry.

NEW SECTION. Sec. 13. A new section is added to chapter 15.58 RCW to read as follows:

(1) The minor uses advisory committee is created in the department. The committee shall consist of the coordinator of the interregional project number 4 program at Washington State University, who shall be a permanent member, and six members appointed by the director.

(2) The director shall make appointments to the advisory committee so that the committee is representative of affected segments of agriculture.

(3) Each appointed member shall serve a term of three years, and one-third shall be appointed every year. The entire committee shall be appointed the first year: One-third for a term of one year, one-third for a term of two years, and one-third for a term of three years. A member shall continue to serve until a successor is appointed. Vacancies shall be filled by appointment for the unexpired term.

(4) The committee shall meet at the call of the chairperson or the director. A majority of the members present at any meeting shall constitute a quorum, and a majority vote of the quorum at any meeting shall constitute an official act of the committee. At the first meeting of each calendar year, the committee shall select a chairperson.

(5) The dean of the college of agriculture of Washington State University and the director, or their representatives, shall be ex officio members without the right to vote.

(6) No person appointed to the minor uses advisory committee shall receive a salary or other compensation as a member of the committee. Each member shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 for each day spent in actual attendance at or traveling to and from meetings of the committee or special assignments for the committee.

(7) The committee shall:

(a) Advise the department in the administration of this chapter as it relates to minor use registrations;

(b) Advise the department on ways to track the availability of effective pest control methods for minor crops or for any crops suffering unique conditions that require the minor use of plant protection products, and provide information to grower organizations;

(c) Cooperate with the United States department of agriculture's interregional project number 4 and the United States environmental protection agency in obtaining federal registrations of plant protection products for minor uses; and

(d) Maintain close contact between the department and agricultural producers regarding the need for research to support registration of plant protection products for minor uses.

NEW SECTION. Sec. 14. A new section is added to chapter 15.58 RCW to read as follows:

The department shall develop a program to provide assistance and information on the registration and reregistration process for pesticides under the federal insecticide, fungicide and rodenticide act and the 1988 amendments to the act to interested grower organizations. The department, in consultation with the minor uses advisory committee established under section 16 of this act, shall:

(1) Track the availability of effective pest control methods for the various minor crops produced in this state in addition to any crops suffering unique conditions that require the minor use of plant protection products;

(2) Provide information to grower organizations in the form of seminars or informational meetings and brochures. The information supplied shall include:

(a) The environmental protection agency's registration and reregistration processes; and

(b) Field and laboratory testing programs and procedures; and

(3) Provide technical and financial assistance to minor use research efforts at Washington State University.

NEW SECTION. Sec. 15. Sections 12 through 14 of this act shall cease to exist April 1, 1995, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 16. The sum of forty-nine thousand five hundred dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of agriculture for the biennium ending June 30, 1993, for the purposes of administering sections 12 through 14 of this act.

On page 1, line 2 of the title, after "University;" strike the remainder of the title and insert "adding new sections to chapter 15.58 RCW; adding a new chapter to Title 15 RCW; creating a new section; making an appropriation; and providing an expiration date."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rayburn moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1426 and ask the Senate for a conference thereon.

Mr. Nealey spoke in favor of the motion, and it was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Rayburn, Grant and Nealey as conferees on Engrossed Substitute House Bill No. 1426.

SENATE AMENDMENT TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1428 with the following amendment:

On page 5, beginning on line 18, strike all material down to and including line 24 and insert the following:

"(2) Unless otherwise provided by law, if state moneys are appropriated for a capital project and matching funds or other contributions are required as a condition of the receipt of the state moneys, the state moneys shall be disbursed in proportion to and only to the extent that the matching funds or other contributions have been received and are available for expenditure."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rasmussen moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1428. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1428 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1428 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Pruitt - 01.

Excused: Representatives Hargrove, Wilson - 02.

Engrossed House Bill No. 1428 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1454 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 90.76.110 and 1989 c 346 s 12 are each amended to read as follows:

(1) Except as provided in RCW 90.76.040 and subsections (2), (3), ~~((and))~~ (4), and (5) of this section, the rules adopted under this chapter supersede and preempt any state or local underground storage tank law, ordinance, or resolution governing any aspect of regulation covered by the rules adopted under this chapter.

(2) Provisions of the uniform fire code adopted under chapter 19.27 RCW that are not more stringent than and do not directly conflict with rules adopted under this chapter are not superseded or preempted.

(3) Local laws, ordinances, and resolutions pertaining to local authority to take immediate action in response to a release of a regulated substance are not superseded or preempted.

~~((3))~~ (4) City, town, or county underground storage tank ordinances that are more stringent than the federal regulations and the uniform codes adopted under chapter 19.27 RCW and that are in effect on November 1, 1988, are not superseded or preempted. A city, town, or county with an ordinance that meets these criteria shall notify the department of the existence of that ordinance by July 1, 1989.

~~((4))~~ (5) Local laws, ordinances, and resolutions pertaining to permits and fees for the use of underground storage tanks in street right of ways that were in existence prior to July 1, 1990, are not superseded or preempted.

Sec. 2. RCW 90.76.040 and 1989 c 346 s 5 are each amended to read as follows:

(1) A city, town, or county may apply to the department to have an area within its jurisdictional boundaries designated an environmentally sensitive area. A city, town, or county may submit a joint application with any other city, town, or county for joint administration under chapter 39.34 RCW of a single environmentally sensitive area located in both jurisdictions.

(2) A city, town, or county may adopt proposed ordinances or resolutions establishing requirements for underground storage tanks located within an environmentally sensitive area that are more stringent than the state-wide standards established under RCW 90.76.020. ~~((If application for the designation of an environmentally sensitive area is made later than five years after the date of final adoption of the rules required under this chapter, proposed local ordinances and resolutions shall only apply to new underground storage tank installations.))~~ Except as provided in RCW 90.76.110(3), and for any other environmentally sensitive areas adopted prior to January 1, 1991, proposed local ordinances and resolutions for the regulation of underground storage tank installations and upgrades, established under this section, shall not apply to underground storage tanks that have been installed or upgraded prior to the effective date of such local ordinances or resolutions, if the tank system meets the underground storage tank upgrading and installation standards adopted under this chapter, federal regulations, and the uniform fire code as provided under RCW 90.76.110(2).

For the purposes of this subsection, "installed or upgraded" means physical improvements to, or replacement of, underground storage tank systems that at a minimum causes the tank to be replaced or upgraded to meet the state and federal underground storage tank requirements applicable on December 23, 1998. The local government adopting the ordinances and resolutions shall submit them to the department for approval. Disapproved ordinances and resolutions may be modified and resubmitted to the department for approval. Proposed local ordinances and resolutions become effective when approved by the department.

(3) The department shall approve or disapprove each proposed local ordinance or resolution based on the following criteria:

(a) The area to be regulated is found to be an environmentally sensitive area based on rules adopted by the department; and

(b) The proposed local regulations are reasonably consistent with previously approved local regulations for similar environmentally sensitive areas.

(4) A city, town, or county for which a proposed local ordinance or resolution establishing more stringent requirements is approved by the department may establish local tank fees that meet the requirements of RCW 90.76.090, if such fees are necessary for enhanced program administration or enforcement.

(5) The purpose of the designation of the environmentally sensitive area shall be to protect ground or surface waters used for drinking water purposes or reasonably anticipated as needed for future drinking water purposes.

On page 1, line 1 of the title, after "preemption;" strike the remainder of the title and insert "and amending RCW 90.76.110 and 90.76.040." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Ms. Rust: Thank you, Mr. Speaker. I request a ruling on scope and object from the Speaker.

With consent of the House, further consideration of Substitute House Bill No. 1454 was deferred.

SENATE AMENDMENT TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1467 with the following amendment:

On page 1, line 11, after "Pacific," strike "three" and insert "two" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendment to House Bill No. 1467.

Representatives Appelwick and Padden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1467 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1467 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Sommers, H. - 01.

Excused: Representatives Hargrove, Wilson - 02.

House Bill No. 1467 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1470 with the following amendments:

On page 2, beginning on line 3, after "(5)" strike all material through "(6)" on line 5

Renumber the subsections consecutively.

On page 7, beginning on line 3, after "1991," strike "seven million three hundred thirty thousand" and insert "six million five hundred sixty-eight thousand"

On page 7, line 8, after "systems" strike "\$371,000" and insert "\$338,200"

On page 7, line 10, after "line" strike "\$284,000" and insert "\$258,890"

On page 7, line 13, after "system" strike "\$2,259,947" and insert "\$1,947,177"

On page 7, line 15, after "streets" strike "\$1,254,200" and insert "\$1,143,310"

On page 7, line 17, after "area" strike "\$750,000" and insert "\$683,689"

On page 7, line 20, strike "\$2,432,520" and insert "\$2,217,448"

On page 7, line 22, after "act" strike "\$59,251,667" and insert "\$58,458,303" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Ogden moved that the House do concur in the Senate amendments to House Bill No. 1470.

Ms. Ogden spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1470 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1470 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel,

Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hargrove, Wilson - 02.

House Bill No. 1470 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1496 with the following amendment:

On page 2, line 14, after "chapter." strike all material down to and including "~~fund.))~~" on line 16, and insert "All earnings of investments on balances in the professional engineers' account shall be credited to the general fund." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House refuse to concur in the Senate amendment to Substitute House Bill No. 1496 and ask the Senate to recede therefrom.

Mr. Wang spoke in favor of the motion, and it was carried.

The Speaker resumed the Chair.

MESSAGE FROM THE SENATE

April 20, 1991

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5982,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Monday, April 22, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-NINTH DAY-----
MORNING SESSION

House Chamber, Olympia, Monday, April 22, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Beck, Braddock, Brekke and Day. On motion of Ms. Cole, Representatives Braddock and Day were excused. On motion of Mr. Mielke, Representative Beck was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aaron De La Torre and Jill Abram. Prayer was offered by The Reverend Robert Shiefer, Minister of the Olympia Seventh Day Adventist Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4679, by Representatives Rust, Horn, Bray, Valle, Riley, Jacobsen, Sprenkle, G. Fisher, Van Luven, Cole, Phillips, Edmondson, D. Sommers, Pruitt, Prentice, Nelson, Wood, Moyer, Neher, Belcher, Fraser, Brekke, Inslee, Leonard, Wineberry, R. King and Anderson

WHEREAS, On April 22, 1970, an estimated twenty million Americans participated in a far-reaching public demonstration called EARTH DAY; and

WHEREAS, This first EARTH DAY was successful in encouraging policymakers to approve landmark environmental legislation and served to enhance and sustain the modern environmental movement; and

WHEREAS, The primary objective of the first EARTH DAY, according to its founders, Senator Gaylord Nelson and Dennis Hayes of Camas, Washington, was to organize a nation-wide public demonstration so large it would get the attention of the politicians and force environmental issues into the political dialogue of the nation; and

WHEREAS, For the twenty-one years following the first EARTH DAY, April 22 and its nearest weekend have been reserved as a time for reflection on the human condition and how its survival depends on the preservation of our resources: Air, water, minerals, soil, scenic beauty, wildlife habitat, forests, rivers, lakes, and oceans; and

WHEREAS, The future holds daunting environmental challenges such as global warming, stratospheric ozone depletion, acid rain, deforestation, soil erosion, species extinction, habitat destruction, and a massive accumulation of waste--all of which threaten to destabilize the very natural systems which sustain human life on Earth; and

WHEREAS, EARTH DAY provides a local way to mobilize energies into a global movement that will continue to work changes in the way we treat our planet and its resources;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the value and significance of EARTH DAY by reflecting upon the importance of sustaining our planet, its resources, and its inhabitants and join in celebrating EARTH DAY 1991; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to appropriate environmental organizations in Washington State.

Ms. Rust moved adoption of the resolution. Representatives Rust, Horn, Hargrove, Pruitt, Wynne, Valle and D. Sommers spoke in favor of the resolution.

House Resolution No. 91-4679 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1174 with the following amendments:

Strike everything after the enacting clause and insert the following:

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

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

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

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

(2) The law enforcement officer shall initiate an investigation of the reported violation within ten working days after receiving the report described in subsection (1) of this section by contacting the owner of the motor vehicle involved in the reported violation and requesting the owner to supply information identifying the driver. Failure

to investigate within the ten-working-day-period does not prohibit further investigation or prosecution. If, after an investigation, the law enforcement officer is able to identify the driver and has reasonable cause to believe a violation of RCW 46.61.370 has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the driver of the vehicle.

NEW SECTION. Sec. 3. By December 1, 1991, the superintendent of public instruction shall review the current use of aides on special education buses and provide to the education committees of the house of representatives and the senate recommended guidelines, with associated fiscal impacts, for increasing the use of aides on special education buses.

NEW SECTION. Sec. 4. The superintendent of public instruction, in cooperation with at least one school district, shall conduct a pilot program to test the feasibility of using video cameras to identify motorists and vehicles that illegally pass school buses when the bus is loading and unloading students. The superintendent shall report his or her findings to the legislature by December 30, 1992.

NEW SECTION. Sec. 5. The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the general fund to the superintendent of public instruction for the purposes of section 4 of this act.

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "adding new sections to chapter 46.61 RCW; creating new sections; and making an appropriation."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Peery moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1174 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives G. Fisher, Cole and Holland as conferees on Engrossed Substitute House Bill No. 1174.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1243 with the following amendments:

On page 2, line 7, strike "educational professional" and insert "teacher"

On page 2, line 24, strike "profession" and insert "teacher"

On page 3, after line 2, insert the following:

Sec. 4. RCW 28A.410.040 and 1990 c 33 s 406 are each amended to read as follows:

(1) The state board of education shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or

humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.305.130 (1) and (2). ~~((The state board of education shall develop and adopt rules establishing baccalaureate degree equivalency standards for certification of vocational instructors performing instructional duties and acquiring initial level certification after August 31, 1992.))~~ However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

(2) ~~((The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.~~

~~((3))~~ The initial certificate shall be valid for ~~((two years.~~

~~((4) Certificate holders may renew the certificate for a three year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two year extension period. Under no circumstances may an initial certificate be valid for))~~ a period of no more than seven years. The initial certificate may be reinstated pursuant to state board of education rules.

Sec. 5. RCW 28A.410.050 and 1989 c 29 s 2 are each amended to read as follows:

~~((1) The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.~~

~~((2))~~ The state board of education shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring ~~((professional level))~~ certification after August 31, 1992.

On page 1, line 1 of the title, after "programs;" insert "amending RCW 28A.410.040 and 28A.410.050;"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Mr. Peery: Thank you, Mr. Speaker. I would request a ruling on the scope and object of the Senate amendments.

MOTION

With consent of the House, further consideration of Substitute House Bill No. 1243 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510 with the following amendments:

On page 4, line 6, after "shall" strike "not"

On page 4, line 7, after "shall" strike "not"

On page 4, line 8, after "person is" strike "not"

On page 4, after line 13, insert the following:

Sec. 2. RCW 11.88.030 and 1990 c 122 s 4 are each amended to read as follows:

(1) Any person or entity may petition for the appointment of a qualified person, trust company, national bank, or nonprofit corporation authorized in RCW 11.88.020 as now or hereafter amended as the guardian or limited guardian of an incapacitated person. No liability for filing a petition for guardianship or limited guardianship shall attach to a petitioner acting in good faith and upon reasonable basis. A petition for guardianship or limited guardianship shall state:

(a) The name, age, residence, and post office address of the alleged incapacitated person;

(b) The nature of the alleged incapacity in accordance with RCW 11.88.010;

(c) The approximate value and description of property, including any compensation, pension, insurance, or allowance, to which the alleged incapacitated person may be entitled;

(d) Whether there is, in any state, a guardian or limited guardian, or pending guardianship action for the person or estate of the alleged incapacitated person;

(e) The residence and post office address of the person whom petitioner asks to be appointed guardian or limited guardian;

(f) The names and addresses, and nature of the relationship, so far as known or can be reasonably ascertained, of the persons most closely related by blood or marriage to the alleged incapacitated person;

(g) The name and address of the person or facility having the care and custody of the alleged incapacitated person;

(h) The reason why the appointment of a guardian or limited guardian is sought and the interest of the petitioner in the appointment, and whether the appointment is sought as guardian or limited guardian of the person, the estate, or both, and why no alternative to guardianship is appropriate;

(i) The nature and degree of the alleged incapacity and the specific areas of protection and assistance requested and the limitation of rights requested to be included in the court's order of appointment;

(j) The requested term of the limited guardianship to be included in the court's order of appointment;

(k) Whether the petitioner is proposing a specific individual to act as guardian ad litem and, if so, the individual's knowledge of or relationship to any of the parties, and why the individual is proposed.

(2)(a) The attorney general may petition for the appointment of a guardian or limited guardian in any case in which there is cause to believe that a guardianship is necessary and no private party is able and willing to petition.

(b) Prepayment of a filing fee shall not be required in any guardianship or limited guardianship brought by the attorney general. Payment of the filing fee shall be ordered from the estate of the incapacitated person at the hearing on the merits of the petition, unless in the judgment of the court, such payment would impose a hardship upon the incapacitated person, in which case the filing shall be waived.

(3) No filing fee shall be charged by the court for filing either a petition for guardianship or a petition for limited guardianship if the petition alleges that the alleged incapacitated person has total assets of a value of less than three thousand dollars.

(4)(a) Notice that a guardianship proceeding has been commenced shall be personally served upon the alleged incapacitated person and the guardian ad litem along with a copy of the petition for appointment of a guardian. Such notice shall be served not more than ~~((fifteen))~~ five days after the petition has been filed.

(b) Notice under this subsection shall include a clear and easily readable statement of the legal rights of the alleged incapacitated person that could be restricted or transferred to a guardian by a guardianship order as well as the right to counsel of choice and to a jury trial on the issue of incapacity. Such notice shall be in substantially the following form and shall be in capital letters, double-spaced, and in a type size not smaller than ten-point type:

**IMPORTANT NOTICE
PLEASE READ CAREFULLY**

A PETITION TO HAVE A GUARDIAN APPOINTED FOR YOU HAS BEEN FILED IN THE ... COUNTY SUPERIOR COURT BY IF A GUARDIAN IS APPOINTED, YOU COULD LOSE ONE OR MORE OF THE FOLLOWING RIGHTS:

- (1) TO MARRY OR DIVORCE;**
- (2) TO VOTE OR HOLD AN ELECTED OFFICE;**
- (3) TO ENTER INTO A CONTRACT OR MAKE OR REVOKE A WILL;**
- (4) TO APPOINT SOMEONE TO ACT ON YOUR BEHALF;**
- (5) TO SUE AND BE SUED OTHER THAN THROUGH A GUARDIAN;**
- (6) TO POSSESS A LICENSE TO DRIVE;**
- (7) TO BUY, SELL, OWN, MORTGAGE, OR LEASE PROPERTY;**
- (8) TO CONSENT TO OR REFUSE MEDICAL TREATMENT;**
- (9) TO DECIDE WHO SHALL PROVIDE CARE AND ASSISTANCE;**
- (10) TO MAKE DECISIONS REGARDING SOCIAL ASPECTS OF YOUR LIFE.**

UNDER THE LAW, YOU HAVE CERTAIN RIGHTS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER OF YOUR OWN CHOOSING. THE COURT WILL APPOINT A LAWYER TO REPRESENT YOU IF YOU ARE UNABLE TO PAY OR PAYMENT WOULD RESULT IN A SUBSTANTIAL HARDSHIP TO YOU.

YOU HAVE THE RIGHT TO ASK FOR A JURY TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN TO HELP YOU.

YOU HAVE THE RIGHT TO BE PRESENT IN COURT WHEN THE HEARING IS HELD TO DECIDE WHETHER OR NOT YOU NEED A GUARDIAN.

(5) All petitions filed under the provisions of this section shall be heard within ~~((forty-five))~~ sixty days unless an extension of time is requested by a party within such ~~((forty-five))~~ sixty day period and granted for good cause shown. If an extension is granted, the court shall set a new hearing date.

Sec. 3. RCW 11.88.040 and 1990 c 122 s 5 are each amended to read as follows:

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be ~~((given))~~ served personally to the alleged incapacitated person, if over fourteen years of age, and served upon the guardian ad litem.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail requesting a return receipt signed by the addressee or an agent appointed by, the addressee, or by personal service in the manner provided for services of summons, to the following:

- (1) The alleged incapacitated person, or minor, if under fourteen years of age;
- (2) A parent, if the alleged incapacitated person is a minor, all known children not residing with a notified person, and the spouse of the alleged incapacitated person if any;
- (3) Any other person who has been appointed as guardian or limited guardian, or the person with whom the alleged incapacitated person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing.
- (4) If the petition is by a parent asking for appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition is accompanied by the written consent of a minor of the age of fourteen years or upward, who consents to the appointment of the guardian or limited guardian asked for, or if the petition is by a nonresident guardian of any minor or incapacitated person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given.

The alleged incapacitated person shall be present in court at the final hearing on the petition: PROVIDED, That this requirement may be waived at the discretion of the court for good cause other than mere inconvenience shown in the report to be provided by the guardian ad litem pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090, as now or hereafter amended, at the discretion of the court for good cause shown by a party. Alternatively, the court may remove itself to the place of residence of the alleged incapacitated person and conduct the final hearing in the presence of the alleged incapacitated person. Final hearings on the petition may be held in closed court without admittance of any person other than those necessary to the action or proceeding.

If presence of the alleged incapacitated person is waived and the court does not remove itself to the place of residence of such person, the guardian ad litem shall appear in person at the final hearing on the petition.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 11, line 15, after "Within" strike "twenty" and insert "~~((twenty))~~ forty-five"

On page 11, line 15, after "days after" strike "appointment of" and insert "~~((appointment of))~~ notice of commencement of the guardianship proceeding has been served upon"

On page 1, line 1 of the title, after "11.88.010," insert "11.88.030, 11.88.040," and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ludwig moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1510 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

• The Speaker (Mr. O'Brien presiding) appointed Representatives Appelwick, R. Meyers and Padden as conferees on Engrossed Substitute House Bill No. 1510.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1525 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that school districts and educational service districts are funded primarily through state dollars, that state funds are to be used in the most efficient manner, that all travel expenses paid with state dollars should be treated similarly, and that the benefits of the preferred rates obtained by the state of Washington from various suppliers for travel expenses should extend to all travel expenses funded by state dollars.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.310 RCW to read as follows:

Any educational service district in this state may charge all travel expenses incurred by its employees and board of director members during official travel which is funded by state dollars and is authorized under the rules and regulations of the respective educational service district to the office of the superintendent of public instruction and obtain the benefit of the state of Washington preferred rates for travel expenses. Upon submittal of a travel voucher which establishes that the employee or board member will use or has used the supplier providing the state-preferred rate by an educational service district to the office of the superintendent of public instruction, the office of the superintendent of public instruction shall pay such travel expenses at the state-preferred rate. The office of the superintendent of public instruction shall bill the educational service district for the expenses paid and the educational service district shall reimburse the office of the superintendent of public instruction for all such expenses paid.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.400 RCW to read as follows:

Any school district in this state may charge all travel expenses incurred by its employees and board of director members during official travel which is funded by state dollars and is authorized under the rules and regulations of the respective school district to the office of the superintendent of public instruction and obtain the benefit of the state of Washington preferred rates for travel expenses. Upon submittal of a travel voucher which establishes that the employee or board member will use or has used the supplier providing the state-preferred rate by a school district to the office of the superintendent of public instruction, the office of the superintendent of public instruction shall pay such travel expenses at the state-preferred rate. The office of the superintendent of public instruction shall bill the school district for the expenses paid and the school district shall reimburse the office of the superintendent of public instruction for all such expenses paid.

NEW SECTION. Sec. 4. A new section is added to chapter 43.19 RCW to read as follows:

The state of Washington, through the department of general administration, is authorized and directed to take all reasonable and necessary action to include educational service districts and school districts as direct beneficiaries of any contract negotiated by the state of Washington for preferred rates regarding travel, lodging, and subsistence.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act shall expire December 31, 1991.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act shall not have the effect of impairing any contractual rights in effect as of the effective date of this act.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 43.19 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. G. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 1525.

Mr. G. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1525 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1525 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Appelwick, Brekke - 02.

Excused: Representatives Beck, Braddock, Day - 03.

Substitute House Bill No. 1525 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1558 with the following amendment:

On page 2, line 20, after "markets" strike all material through "retention" on line 21 and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendment to House Bill No. 1558.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1558 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1558 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 2, Excused - 3.

Voting yea: Representatives Anderson, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Appelwick, Brekke - 02.

Excused: Representatives Beck, Braddock, Day - 03.

House Bill No. 1558 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. R. Meyers presiding) called the House to order.

Representative Appelwick appeared at the bar of the House.

MOTION

On motion of Ms. Cole, Representative Grant was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1956 with the following amendments:

On page 3, after line 22, insert the following:

Sec. 2. RCW 15.26.155 and 1983 c 281 s 3 are each amended to read as follows:

The producers of tree fruit subject to the provisions of this chapter may at any time, by referendum conducted by the department and approved by a majority of the producers voting, establish an additional assessment for programs including but not limited to sanitation programs and the reregistration of plant protection products for use on minor crops. ~~((The total amount assessed for any specific industry service program under this section shall not exceed one hundred thousand dollars in any single crop year.))~~ The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend all or part of the assessments on tree fruit under this section.

Renumber the remaining sections consecutively.

On page 14, beginning on line 18, after "PENALTY." strike all material through "for each violation." on line 25, and insert "Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to RCW 17.24.100, the director may impose upon and collect from the violator a civil penalty not exceeding five thousand dollars per violation."

On page 16, line 7, after "order." insert "Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides."

On page 19, line 2, strike all of subsection (7)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 19, line 10, strike all of subsection (14)

On page 19, after line 14, insert the following:

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 4 of the title, after "17.24.080," strike the remainder of the title and insert "17.24.105, 17.24.110, 17.24.120, 17.24.130, 17.24.140, and 17.24.200; and prescribing penalties."

On page 1, line 2 of the title, after "15.09.080" strike the remainder of the title and insert ", 15.26.125, and 43.06.010; adding new sections to chapter 17.24 RCW; creating a new section; repealing RCW 17.24.005, 17.24.030, 17.24.035, 17.24.060, 17.24.070, 17.24.080, 17.24.100, 17.24.105, 17.24.110, 17.24.120, 17.24.130, 17.24.140, 17.24.200, 17.24.210, 69.07.090, and 69.07.130; prescribing penalties; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rayburn moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1956 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Rayburn, Grant and Nealey as conferees on Substitute House Bill No. 1956.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1957 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 69.07 RCW to read as follows:

The processing of food intended for public consumption is important and vital to the health and welfare both immediate and future and is hereby declared to be a business affected with the public interest. The provisions of this chapter are enacted to safeguard the consuming public from unsafe, adulterated, or misbranded food by requiring licensing of all food processing plants as defined in this chapter and setting forth the requirements for such licensing.

Sec. 2. RCW 69.07.010 and 1967 ex.s. c 121 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Department" means the department of agriculture of the state of Washington;

(2) "Director" means the director of the department;

(3) "Food" means any substance used for food or drink by ~~((man))~~ any person, including ice, and any ingredient used for components of any such substance regardless of the quantity of such component;

(4) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media;

(5) "Food processing" means the handling or processing of any food in any manner in preparation for sale for human consumption: PROVIDED, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared or packaged for sale in their natural state;

(6) "Food processing plant" includes but is not limited to any premises, plant, establishment, building, room, area, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled or processed in any manner for ~~((resale or))~~ distribution ~~((to))~~ or sale for resale by retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer: PROVIDED, That ~~((retail outlets)),~~ as set forth herein, establishments processing foods in any manner for resale shall be considered a food processing plant as to such processing;

(7) "Food service establishment" shall mean any fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, industrial-feeding

establishment, retail grocery, retail food market, retail meat market, retail bakery, private, public, or nonprofit organization routinely serving food, catering kitchen, commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

For the purpose of this chapter any custom cannery or processing plant where raw food products, food, or food products are processed for the owner thereof, or the food processing facilities are made available to the owners or persons in control of raw food products or food or food products for processing in any manner, shall be considered to be food processing plants(-);

(8) "Person" means an individual, partnership, corporation, or association.

Sec. 3. RCW 69.07.040 and 1988 c 5 s 1 are each amended to read as follows:

It shall be unlawful for any person to operate a food processing plant or process foods without first having obtained an annual license from the department, which shall expire on ((the 31st day of March following issuance. A separate license shall be required for each food processing plant)) a date set by rule by the director. License fees shall be prorated where necessary to accommodate staggering of expiration dates. Application for a license shall be on a form prescribed by the director and accompanied by a twenty-five dollar annual license fee. Such application shall include the full name of the applicant for the license and the location of the food processing plant he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership, or names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant ((, and any other necessary information prescribed by the director)). The application shall also specify the type of food to be processed and the method or nature of processing operation or preservation of that food and any other necessary information. Upon the approval of the application by the director and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof.

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

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

Sec. 4. RCW 69.07.050 and 1988 c 5 s 2 are each amended to read as follows:

If the application for renewal of any license provided for under this chapter is not filed prior to ((April 1st in any year)) the expiration date as established by rule by the director, an additional fee of fifteen dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: PROVIDED, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he or she has not operated a food processing plant or processed foods subsequent to the expiration of his or her license.

Sec. 5. RCW 69.07.060 and 1979 c 154 s 19 are each amended to read as follows:

The director may, subsequent to a hearing thereon, deny, suspend or revoke any license provided for in this chapter if he determines that an applicant has committed any of the following acts:

(1) Refused, neglected or failed to comply with the provisions of this chapter, the rules and regulations adopted hereunder, or any lawful order of the director.

(2) Refused, neglected or failed to keep and maintain records required by this chapter, or to make such records available when requested pursuant to the provisions of this chapter.

(3) Refused the department access to any portion or area of the food processing plant for the purpose of carrying out the provisions of this chapter.

(4) Refused the department access to any records required to be kept under the provisions of this chapter.

(5) Refused, neglected, or failed to comply with any provisions of chapter 69.04 RCW, Washington Food, Drug, and Cosmetic Act, or any regulations adopted thereunder.

The provisions of this section requiring that a hearing be conducted before an action may be taken against a license do not apply to an action taken under section 6 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 69.07 RCW to read as follows:

(1) Whenever the director finds an establishment operating under conditions that constitute an immediate danger to public health or whenever the licensee or any employee of the licensee actively prevents the director or the director's representative, during an onsite inspection, from determining whether such a condition exists, the director may summarily suspend, pending a hearing, a license provided for in this chapter.

(2) Whenever a license is summarily suspended, the holder of the license shall be notified in writing that the license is, upon service of the notice, immediately suspended and that prompt opportunity for a hearing will be provided.

(3) Whenever a license is summarily suspended, food processing operations shall immediately cease. However, the director may reinstate the license when the condition that caused the suspension has been abated to the director's satisfaction.

NEW SECTION. Sec. 7. A new section is added to chapter 69.07 RCW to read as follows:

The director or the director's deputies, assistants, and inspectors are authorized to do all acts and things necessary to carry out the provisions of this chapter, including the taking of verified statements. The department personnel are empowered to administer oaths of verification on the statement.

NEW SECTION. Sec. 8. A new section is added to chapter 69.07 RCW to read as follows:

It shall be unlawful to resell, to offer for resale, or to distribute for resale in intrastate commerce any food processed in a food processing plant, which has not obtained a license, as provided for in this chapter, once notification by the director has been given to the person or persons reselling, offering, or distributing food for resale, that said food is from an unlicensed processing operation.

Sec. 9. RCW 69.07.150 and 1967 ex.s. c 121 s 15 are each amended to read as follows:

(1) Any person violating any provision of this chapter or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and guilty of a gross misdemeanor for any second and subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense. A misdemeanor under this section is punishable to the same extent that a misdemeanor is punishable under RCW 9A.20.021 and a gross misdemeanor under this section is punishable to the same extent that a gross misdemeanor is punishable under RCW 9A.20.021.

(2) Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to subsection (1) of this section, the director may impose upon and collect from the violator a civil penalty not exceeding one thousand dollars per violation per day. Each violation shall be a separate and distinct offense.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

- (1) RCW 69.07.090 and 1967 ex.s. c 121 s 9; and
- (2) RCW 69.07.130 and 1967 ex.s. c 121 s 13.

On page 1, line 1 of the title, after "processing;" strike the remainder of the title and insert "amending RCW 69.07.010, 69.07.040, 69.07.050, 69.07.060, and 69.07.150; adding new sections to chapter 69.07 RCW; repealing RCW 69.07.090 and 69.07.130; and prescribing penalties."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendments to Substitute House Bill No. 1957.

Mr. Nealey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1957 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1957 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Braddock, Day, Grant - 04.

Substitute House Bill No. 1957 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1992 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 47.12.242 and 1969 ex.s. c 197 s 6 are each amended to read as follows:

The term "advance right of way acquisition" means the acquisition of property and property rights, generally not (~~less than two nor~~) more than (~~seven~~) ten years in advance of programmed highway construction projects, together with the engineering costs necessary for such advance right of way acquisition. Any property or property rights purchased must be in designated highway transportation corridors and be for projects approved by the commission as part of the state's six-year plan or included in the state's route development planning effort.

Sec. 2. RCW 47.12.244 and 1984 c 7 s 125 are each amended to read as follows:

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

Sec. 3. RCW 47.12.125 and 1961 c 13 s 47.12.125 are each amended to read as follows:

All moneys paid to the state of Washington under any of the provisions of RCW 47.12.120 shall be deposited in the department's advance right of way revolving fund, except moneys that are subject to federal aid reimbursement, which shall be deposited in the motor vehicle fund, and except that moneys received from rental of capital facilities properties shall be deposited in the transportation capital facilities account as defined in chapter 47.13 RCW.

Sec. 4. RCW 47.12.246 and 1984 c 7 s 126 are each amended to read as follows:

~~((Whenever,))~~ (1) After any properties or property rights are acquired from funds in the advance right of way revolving fund, the department shall manage the properties in accordance with sound business practices. Funds received from interim management of the properties shall be deposited in the advance right of way revolving fund.

(2) When the department proceeds with the construction of a highway which will require the use of any of the property so acquired, the department shall reimburse the advance right of way revolving fund, from other funds available to it, the ~~((amount of the prior expenditures for advance right of way acquisition for))~~ current appraised value of the property or property rights required for the project together with damages caused to the remainder by the acquisition after offsetting against all such compensation and damages the special benefits, if any, accruing to the remainder by reason of the state highway being constructed. ~~((Such))~~

(3) When the department determines that any properties or property rights acquired from funds in the advance right of way revolving fund will not be required for a highway construction project the department may sell the property at fair market value in

accordance with requirements of RCW 47.12.063. All proceeds of such sales shall be deposited in the advance right of way revolving fund.

(4) Deposits in the fund may be reexpended as provided in RCW 47.12.180, 47.12.200 through 47.12.230, and 47.12.242 through 47.12.248 without further or additional appropriations.

NEW SECTION. Sec. 5. A new section is added to chapter 47.12 RCW to read as follows:

At the end of each biennium the department shall report to the legislature and the office of financial management:

- (1) Which properties were purchased and why;
- (2) Expenditures for the acquired parcels; and
- (3) Estimated savings to the state.

In line 1 of the title, after "acquisition;" strike the remainder of the title and insert "amending RCW 47.12.242, 47.12.244, 47.12.125, and 47.12.246; and adding a new section to chapter 47.12 RCW."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to House Bill No. 1992.

Mr. Betrozoff spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1992 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1992 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Braddock, Day, Grant - 04.

House Bill No. 1992 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2050 with the following amendments:

On page 1, line 12, after "distribution" insert "of funds"

On page 1, line 13, after "county" strike "funds" and insert ((funds))

On page 2, beginning on line 7, strike all material through "((1975)) on page 2, line 9, and insert ((~~levels sufficient to produce aggregate annual revenues at least equal to the annual revenue of the county's ferry system in calendar year 1975~~)) "at least equal to tolls in place on January 1."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 2050.

Ms. R. Fisher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2050 as amended by the Senate.

Mr. Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2050 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Braddock, Day, Grant - 04.

Substitute House Bill No. 2050 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137 with the following amendments:

On page 3, beginning on line 24, strike all of subsection (3) and insert the following:

"(3) (~~Any possession of a carbonated beverage or syrup where the first possession occurred before July 1, 1989~~) Any sale at wholesale of a trademarked carbonated beverage or syrup by any person to a person commonly known as a bottler who is appointed by the owner of the trademark to manufacture, distribute, and sell such trademarked carbonated beverage or syrup within a specified geographic territory."

On page 4, beginning on line 13, after "tax." strike all material through "department." on line 14 and insert "The tax imposed in RCW 82.64.020(2) shall be paid by the retailer. The buyer is not obligated to pay or report to the department the taxes imposed in RCW 82.64.020."

On page 5, line 27, after "measures." strike the remainder of the paragraph and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2137.

Representatives Wang and Holland spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2137 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2137 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden,

Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Braddock, Day, Grant - 04.

Engrossed Substitute House Bill No. 2137 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 3, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2141 with the following amendment:

On page 2, beginning on line 7, strike all material through "senate;" on line 10 and insert the following:

- "(1) The speaker of the house of representatives;
- (2) The minority leader of the house of representatives;
- (3) A member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (4) The majority leader of the senate;
- (5) The minority leader of the senate;
- (6) A member from each of the two largest caucuses in the senate, appointed by the majority leader of the senate;"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Anderson moved that the House refuse to concur in the Senate amendment to Engrossed House Bill No. 2141 and ask the Senate for a conference thereon.

The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Anderson, Jacobsen and Prince as conferees on Engrossed House Bill No. 2141.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2163 with the following amendments:

On page 1, line 8, after "officer" strike "that is assisting the agent,"

On page 1, beginning on line 10, after "officer" strike "that was assisting the agent"

On page 1, beginning on line 12, after "officer" strike "that was assisting the agent"

On page 2, line 21, after "or licenses." add the following: "The ten year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. R. King moved that the House do concur in the Senate amendments to House Bill No. 2163.

Mr. R. King spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2163 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2163 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Haugen, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Hargrove, Heavey - 02.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Braddock, Day, Grant - 04.

House bill No. 2163 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1019 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.36.010 and 1985 c 425 s 1 are each amended to read as follows:

The protection of subterranean water from pollution or degradation is of great concern. The depletion of subterranean water is of great concern. The purpose of this chapter is to allow the creation of aquifer protection areas to finance the protection, preservation, and rehabilitation of subterranean water, and to reduce special assessments imposed upon households to finance facilities for such purposes. Pollution and degradation of subterranean drinking water supplies, and the depletion of subterranean drinking water supplies, pose immediate threats to the safety and welfare of the citizens of this state.

Sec. 2. RCW 36.36.040 and 1988 c 258 s 1 are each amended to read as follows:

Aquifer protection areas may impose fees to fund:

(1) The preparation of a comprehensive plan to protect, preserve, and rehabilitate subterranean water, including ground water management programs adopted under chapter 90.44 RCW. This plan may be prepared as a portion of a county sewerage and/or water general plan pursuant to RCW 36.94.030;

(2) The construction of facilities for: (a) The removal of water- borne pollution; (b) water quality improvement; (c) sanitary sewage collection, disposal, and treatment; ~~((and))~~ (d) storm water or surface water drainage collection, disposal, and treatment; and (e) the construction of public water systems;

(3) The proportionate reduction of special assessments imposed by a county, city, town, or special district in the aquifer protection area for any of the facilities described in subsection (2) of this section; ~~((and))~~

(4) The costs of monitoring and inspecting on-site sewage disposal systems or community sewage disposal systems for compliance with applicable standards and rules, and for enforcing compliance with these applicable standards and rules in aquifer protection areas created after June 9, 1988; and

(5) The costs of: (a) Monitoring the quality and quantity of subterranean water and analyzing data that is collected; (b) ongoing implementation of the comprehensive plan developed under subsection (1) of this section; (c) enforcing compliance with standards and rules relating to the quality and quantity of subterranean waters; and (d) public education relating to protecting, preserving, and enhancing subterranean waters.

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "and amending RCW 36.36.010 and 36.36.040."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1019.

Ms. Haugen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1019 as amended by the Senate.

Ms. Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1019 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 1, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Braddock, Day, Grant - 04.

Substitute House Bill No. 1019 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

Representative Braddock appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5982,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTION AND FIRST READING

SB 5982 by Senators McDonald, Roach, Johnson, McCaslin, Gaspard, Rinehart, Murray, Hayner, Wojahn and Snyder; by request of Governor Gardner and Superintendent of Public Instruction

Replacing federal funding for free and reduced meals during the teachers' work stoppage.

MOTION

Mr. Dorn: Article II, Section 36, of the State Constitution requires a two-thirds vote in each House to allow consideration of a bill introduced in the last ten days of a regular session in the Legislature. Therefore, Mr. Speaker, I move that the House allow consideration of Senate Bill No. 5982.

ROLL CALL

The Clerk called the roll on the motion by Representative Dorn to allow consideration of Senate Bill No. 5982, and the motion was carried by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

MOTION

On motion of Mr. Dorn, the rules were suspended and Senate Bill No. 5982 was advanced to second reading and read the second time in full.

Mr. Locke moved adoption of the following amendments:

On page 1, line 10, after "children" strike all material through "programs," on line 11

On page 2, beginning on line 1, strike all of sections 2 and 3 and insert:

NEW SECTION. Sec. 2. The superintendent of public instruction may reimburse school districts with state funds for the amount of any unavailable federal share of funds for breakfasts or lunches actually provided to children during the teachers' work stoppage that began April 18, 1991.

NEW SECTION. Sec. 3. The sum of two million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1991, from the

general fund to the superintendent of public instruction solely for the purpose of section 2 of this act."

Mr. Locke spoke in favor of adoption of the amendments, and they were adopted.

Mr. Padden moved adoption of the following amendments:

On page 2, line 4, after "children" insert "who customarily receive such meals during the regular school year and which meals are provided"

On page 2, line 11, after "stoppage" insert ", as authorized by section 2 of this act"

Mr. Padden spoke in favor of adoption of the amendments, and Mr. Locke spoke against them. The amendments were not adopted.

Mr. Padden moved adoption of the following amendment:

On page 2, line 5, after "1991." insert the following "The superintendent of public instruction shall not reimburse the school districts with state funds for the costs of free or reduced breakfasts or lunches past the regularly scheduled 1990-1991 school year."

Mr. Padden spoke in favor of adoption of the amendment, and Mr. Locke spoke against it. Mr. Padden again spoke in favor of the amendment.

Mr. Dorn demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 2, line 5, by Representative Padden to Senate Bill No. 5982, and the amendment was not adopted by the following vote: Yeas - 15, Nays - 79, Absent - 1, Excused - 3.

Voting yea: Representatives Ballard, Brough, Chandler, Edmondson, Fuhrman, Hochstatter, Horn, May, Morton, Moyer, Nealey, Padden, Sommers, D., Van Luven, Wynne - 15.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brumsickle, Cantwell, Casada, Cole, Cooper, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 79.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Locke yielded to question by Mr. Padden.

Mr. Padden: Representative Locke, currently the reimbursement rate for this program is \$1.82 per meal, if I understand it. During the summer at the community service centers that reimbursement rate is a higher rate of \$1.95 per meal. What rate do you determine would be used during this program for the two million dollars--is it the lower rate of \$1.82 or the higher rate of \$1.95?

Mr. Locke: Thank you, Representative Padden. It is my understanding that it will be the normal rate, but I cannot give you a definitive answer to that. That is my understanding, but I cannot say that is the intent of SPI. There will be a limit of two million dollars. It assumes roughly about fifteen days of work stoppage and, when they run out of money, they run out of money.

Representatives Morton and Fuhrman spoke against passage of the bill, and Representatives Cole, Locke and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5982 as amended by the House, and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Fuhrman, Morton, Nealey, Padden - 04.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

Senate Bill No. 5982 as amended by the House, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5015,
SENATE BILL NO. 5023,
SUBSTITUTE SENATE BILL NO. 5027,
SENATE BILL NO. 5042,

SUBSTITUTE SENATE BILL NO. 5045,
SUBSTITUTE SENATE BILL NO. 5052,
SENATE BILL NO. 5053,
SECOND SUBSTITUTE SENATE BILL NO. 5127,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,
SENATE BILL NO. 5290,
SUBSTITUTE SENATE BILL NO. 5359,
ENGROSSED SENATE BILL NO. 5476,
SENATE BILL NO. 5722,
SECOND SUBSTITUTE SENATE BILL NO. 5830,
SENATE JOINT MEMORIAL NO. 8012,
SUBSTITUTE HOUSE BILL NO. 1008,
HOUSE BILL NO. 1040,
SUBSTITUTE HOUSE BILL NO. 1050,
HOUSE BILL NO. 1057,
SUBSTITUTE HOUSE BILL NO. 1059,
HOUSE BILL NO. 1071,
HOUSE BILL NO. 1072,
SUBSTITUTE HOUSE BILL NO. 1088,
HOUSE BILL NO. 1091,
HOUSE BILL NO. 1118,
HOUSE BILL NO. 1125,
HOUSE BILL NO. 1143,
HOUSE BILL NO. 1156,
HOUSE BILL NO. 1176,
HOUSE BILL NO. 1177,
SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1208,
HOUSE BILL NO. 1224,
ENGROSSED HOUSE BILL NO. 1228,
HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1265,
SUBSTITUTE HOUSE BILL NO. 1274,
HOUSE BILL NO. 1312,
SUBSTITUTE HOUSE BILL NO. 1358,
HOUSE BILL NO. 1371,
HOUSE BILL NO. 1372,
HOUSE BILL NO. 1377,
HOUSE BILL NO. 1431,
HOUSE BILL NO. 1458,
HOUSE BILL NO. 1480,
HOUSE BILL NO. 1489,
HOUSE BILL NO. 1527,
SUBSTITUTE HOUSE BILL NO. 1571,
SUBSTITUTE HOUSE BILL NO. 1635,
SUBSTITUTE HOUSE BILL NO. 1721,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729,

SUBSTITUTE HOUSE BILL NO. 1739,
 HOUSE BILL NO. 1748,
 SUBSTITUTE HOUSE BILL NO. 1782,
 SUBSTITUTE HOUSE BILL NO. 1821,
 SUBSTITUTE HOUSE BILL NO. 1861,
 SUBSTITUTE HOUSE BILL NO. 1864,
 HOUSE BILL NO. 1878,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881,
 SUBSTITUTE HOUSE BILL NO. 1886,
 HOUSE BILL NO. 1910,
 SUBSTITUTE HOUSE BILL NO. 1911,
 SUBSTITUTE HOUSE BILL NO. 1931,
 HOUSE BILL NO. 1946,
 HOUSE BILL NO. 1955,
 SUBSTITUTE HOUSE BILL NO. 1958,
 SUBSTITUTE HOUSE BILL NO. 1971,
 HOUSE BILL NO. 1986,
 HOUSE BILL NO. 1995,
 SUBSTITUTE HOUSE BILL NO. 2005,
 HOUSE BILL NO. 2057,
 HOUSE BILL NO. 2059,
 SUBSTITUTE HOUSE BILL NO. 2069,
 HOUSE BILL NO. 2082,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,
 HOUSE BILL NO. 2106,
 SUBSTITUTE HOUSE BILL NO. 2132,
 HOUSE BILL NO. 2142,
 HOUSE BILL NO. 2147,
 SUBSTITUTE HOUSE BILL NO. 2187,
 HOUSE JOINT MEMORIAL NO. 4004,
 HOUSE JOINT MEMORIAL NO. 4008,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4011,
 HOUSE JOINT MEMORIAL NO. 4015,
 HOUSE JOINT MEMORIAL NO. 4016.

The Speaker called on Representative R. Meyers to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Academic achievement of Washington students can and should be improved;

(b) Student success, in large part, depends on parents' involvement, both at home and at school, in the education of their child;

(c) Many school districts across the state are engaged in efforts to reevaluate and restructure their local education programs;

(d) State support can help sustain and accelerate the momentum of educational restructuring initiatives.

(2) The legislature recognizes that the public education system, as the foundation of our society, faces critical issues that reflect the public's increasing concern regarding the effectiveness and accountability of our public schools. The legislature finds that these issues can be addressed by:

(a) Establishing rights and responsibilities of parents to knowledgeably participate in the education of their children;

(b) Increasing the broad powers of school boards;

(c) Measuring and reporting student achievement in a manner that encourages accountability to and understanding by the public;

(d) Increasing public confidence in the professional preparation and training of educators; and

(e) Providing funding support for initiatives to restructure schools, meet the special needs of students, and enhance vocational education.

"PART I

PARENTS' RIGHTS AND RESPONSIBILITIES"

NEW SECTION. Sec. 101. The legislature finds that parents have the primary responsibility for the welfare of their children and that the successful education of children is the product of a responsive and rigorous educational system that depends on the participation of informed and concerned parents and citizens. To this end, RCW 28A.605.020 and sections 102 through 104 of this act are intended to define certain rights of parents to be informed of, and participate in, the education of their children.

"Parents" as used in this act, includes one or both parents and any legal guardian.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.615 RCW to read as follows:

Parents have the right to know what their child is being taught and are encouraged to exercise their responsibility to participate in their child's education.

(1) School district boards of directors shall adopt policies to ensure the implementation of the requirements that public records be made available under RCW 42.17.250 through 42.17.340. The board of directors of a school district shall develop specific policies providing for the inspection and review of any type of materials used in association with the district's educational program. The district may charge a nominal cost to cover any costs of reproduction.

(2) Districts shall inform parents annually through the report required under section 105 of this act of parents' right to inspect and review any type of materials used in association with the district's educational program.

(3) Innovation and educational reform should be encouraged in public schools. To that end, parents and the community at large should be encouraged to participate in the development and implementation of experimental or pilot education programs. Before implementation of any experimental or pilot education program, the school district shall consult and communicate with parents regarding the proposed program.

(4) No child may be placed in an experimental or pilot program in a school district without prior written notification to the parent. The notification shall include a detailed description of the program.

(5) A site-based council established under section 202 of this act may veto implementation of an experimental or pilot education program adopted by the district's board of directors. At least three-fourths of the members of the site-based council shall support the motion to veto.

(6) A school district shall not perform psychological testing of a student without the written permission of the parents.

Sec. 103. RCW 28A.605.020 and 1979 ex.s. c 250 s 8 are each amended to read as follows:

Every school district board of directors shall, (~~after following established procedure~~) in cooperation with teacher and parent organizations, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: PROVIDED, That such observation shall not disrupt the classroom procedure or learning activity. The policy adopted under this section is not subject to collective bargaining. The right of parents to visit their child's classroom, as established under this section, is in addition to any parent/teacher conferences offered by the school district.

Sec. 104. RCW 28A.150.040 and 1990 c 33 s 101 are each amended to read as follows:

(1) The school year shall begin on the first day of September and end with the last day of August: PROVIDED, That any school district may elect to commence the minimum annual school term as required under RCW 28A.150.220 in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(2) By May 30 of each year, the board of directors of each school district shall, following a public hearing, establish the schedule of days for students to attend school during the succeeding school year. The days so designated shall be employee work days and shall not be subject to collective bargaining. However, employee work days beyond those scheduled for student attendance may be a subject of collective bargaining.

NEW SECTION. Sec. 105. A new section is added to chapter 28A.320 RCW to read as follows:

(1) In keeping with the accountability purpose expressed in section 101, chapter ..., Laws of 1991 (section 101 of this act) and to ensure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall publish annually a school district accountability report. School districts shall have a copy of the accountability report available for public inspection at each school in the district, at the district office, and in public libraries.

(2) The accountability report shall include a brief statement of the mission of the school district, enrollment statistics including student demographics, expenditures per pupil for the school year, the average compensation for teachers, a summary of student scores on all mandated tests and college entrance examination scores, a concise annual budget report, the student drop-out, absenteeism, and graduation rates, an invitation to all citizens to participate in site-based councils and other school planning activities. The published accountability report shall compare district, state, and national data whenever appropriate.

Sec. 106. RCW 28A.150.230 and 1990 c 33 s 106 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors, acting through its respective administrative staff, to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules and regulations of the state board of education;

(d) Determine the allocation of staff time, whether certificated or classified;

(e) Establish final curriculum standards consistent with law and rules and regulations of the state board of education, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

~~((3) In keeping with the accountability purpose expressed in this section and to insure that the local community and electorate have access to information on the educational programs in the school districts, each school district's board of directors shall annually publish a descriptive guide to the district's common schools. This guide shall be made available at each school in the district for examination by the public. The guide shall include, but not be limited to, the following:~~

~~(a) Criteria used for written evaluations of staff members pursuant to RCW 28A.405.100;~~

~~(b) A summary of program objectives pursuant to RCW 28A.320.210;~~

~~(c) Results of comparable testing for all schools within the district; and~~

~~(d) Budget information which will include the following:~~

~~(i) Student enrollment;~~

~~(ii) Number of full time equivalent personnel per school in the district itemized according to classroom teachers, instructional support, and building administration and support services, including itemization of such personnel by program;~~

~~(iii) Number of full time equivalent personnel assigned in the district to central administrative offices, itemized according to instructional support, building and central administration, and support services, including itemization of such personnel by program;~~

~~(iv) Total number of full time equivalent personnel itemized by classroom teachers, instructional support, building and central administration, and support services, including itemization of such personnel by program; and~~

~~(v) Special levy budget request presented by program and expenditure for purposes over and above those requirements identified in RCW 28A.150.220.))~~

Sec. 107. RCW 28A.225.220 and 1990 1st ex.s. c 9 s 201 are each amended to read as follows:

(1) Any board of directors may make agreements with adults choosing to attend school: PROVIDED, That unless such arrangements are approved by the state superintendent of public instruction, a reasonable tuition charge, fixed by the state superintendent of public instruction, shall be paid by such students as best may be accommodated therein.

(2) A district is strongly encouraged to honor the request of a parent or guardian for his or her child to attend a school in another district.

(3) A district shall release a student to a nonresident district that agrees to accept the student if:

(a) A financial, educational, safety, or health condition affecting the student would likely be reasonably improved as a result of the transfer; or

(b) Attendance at the school in the nonresident district is more accessible to the parent's place of work or to the location of child care; or

(c) There is a special hardship or detrimental condition.

(4) A district may deny the request of a resident student to transfer to a nonresident district if the release of the student would adversely affect the district's existing desegregation plan.

(5) For the purpose of helping a district assess the quality of its education program, a resident school district may request an optional exit interview or questionnaire with the parents or guardians of a child transferring to another district. No parent or guardian may be forced to attend such an interview or complete the questionnaire.

(6) School districts may establish annual transfer fees for nonresident students enrolled under subsection (3) of this section and RCW 28A.225.225. However, the school district may not charge tuition if the student is attending a nonresident school district because of the location of child care. Until rules are adopted under section 202, chapter 9, Laws of 1990 1st ex. sess. for the calculation of the transfer fee, the transfer fee shall be calculated by the same formula as the fees authorized under section 10, chapter 130, Laws of 1969. These fees, if applied, shall be applied uniformly for all such nonresident students except as provided in this section. The superintendent of public instruction, from available funds, shall pay any transfer fees for low-income students assessed by districts under this section. All transfer fees must be paid over to the county treasurer within thirty days of its collection for the credit of the district in which such students attend. Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a transfer fee as affecting the apportionment of current state school funds.

"PART II

SCHOOL SITE-BASED COUNCILS"

NEW SECTION. Sec. 201. The legislature finds that in order to achieve the goal of reforming the public schools, each citizen of the state must accept the commitment of developing our most important resource, our children. The legislature further finds that part of building this commitment includes having persons in the field of education form partnerships with other persons in the community. To build a learning community, and develop this commitment, the legislature intends:

(1) That school boards of directors, school administrators, teachers, employee unions, and members of the community find new ways of working collaboratively, changing existing policies and agreements where appropriate;

(2) To encourage the creation of site-based councils, where parents, teachers, and citizens will join to make decisions for our schools; and

(3) To give school districts and schools broad discretion in establishing their site-based councils but consistent with the limitations under section 202 of this act.

NEW SECTION. Sec. 202. (1) A site-based council may be established at one or more schools if the school district board of directors has adopted a policy authorizing site-based councils. The policy is not subject to collective bargaining. The school district board of directors has final authority in establishing the parameters and areas of involvement accorded to school site-based councils.

(2) The policy adopted by a school district board of directors may include but is not limited to:

(a) Procedures for forming a site-based council and official recognition of the council by the district;

(b) Membership of the site-based council including the principal, certificated and classified staff, students in secondary schools, parents, and persons in the community. A majority of the site-based council shall be parents. Existing organizations may be used to form the site-based council;

(c) Designation of activities with which site-based councils may become involved, such as: Student assessment, parent involvement, and developing community schools; and

(d) Delegation of authority to site-based councils to adopt their own bylaws and charter.

(3) School district boards of directors shall not delegate to site-based councils the authority to make personnel decisions regarding either instructional, administrative or classified staff.

(4) A school board shall only delegate authority over budget decisions to a site-based council if the authority is clearly defined in writing, if the authority is limited to a one-year period but may be renewed annually with the approval of the board, and if the authority of the site-based council is limited to decisions at the building level.

(5) Each school district board of directors deciding to adopt a policy authorizing site-based councils shall provide, by resolution, plans for attendance policies that are consistent with the requirements of any desegregation plan in order to promote stability for schools with site-based councils.

NEW SECTION. Sec. 203. If modifications to existing local bargaining agreements are necessary to implement school site-based councils, those modifications shall be clearly stated in the written agreement between the school district board of directors and the exclusive bargaining representative for district certificated instructional staff.

NEW SECTION. Sec. 204. (1) Schools with site-based councils may receive funds to provide resources for restructuring their educational programs. The superintendent of public instruction shall allocate funds, as are appropriated for this purpose, to school districts to distribute to the schools with site-based councils.

(2) School districts shall submit reports about the plans and use of funds to the superintendent of public instruction. The superintendent of public instruction may transmit information to other schools and school districts through the state clearinghouse for educational information and assistance.

(3) The superintendent of public instruction may provide technical assistance under this section to any school or school district establishing or using a site-based council.

"PART III

SCHOOL BOARD POWERS"

NEW SECTION. Sec. 301. A new section is added to chapter 28A.320 RCW to read as follows:

The board of directors of each school district may exercise the following powers:

(1) Such powers as expressly authorized by law;

(2) Such powers as are necessary or fairly implied in powers expressly authorized by law; and

(3) The additional broad discretionary power to determine and adopt written policies and rules not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that the board determines will:

(a) Benefit the education of citizens; or

(b) Promote the effective, efficient, or safe maintenance and operation of school district programs, activities, services, or practices.

The adoption of any such policy or rule shall be preceded by notice in accordance with the open public meeting law of chapter 42.30 RCW which furthermore sets forth or reasonably describes the proposed policy or regulation, plus a reasonable opportunity for

public written and oral comment and consideration of the comment by the board of directors.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall adopt rules clearly allowing districts to blend funds for the basic education, learning assistance, special education, and transitional bilingual education programs to the maximum extent possible for the continued receipt of federal funds.

(2) The superintendent of public instruction may create a new program code in the accounting manual for public school districts to track revenues and expenditures under subsection (1) of this section.

"PART IV

PLANNING AND IMPLEMENTATION GRANTS FOR RESTRUCTURING"

NEW SECTION. Sec. 401. (1) The legislature believes that attaining the state vision for excellence in education under Senate Concurrent Resolution No. 8400 will require new state-supported opportunities for schools to implement strategies to improve student learning and skills. It is the intent of the legislature to provide additional support to schools or school districts to:

(a) Encourage students, parents, teachers, principals, classified school staff, school district personnel, the school board, and other citizens to become more active partners in the learning community of their school or district;

(b) Encourage schools or districts to select and compete against goals and educational outcomes tailored to their own learning community; and

(c) Foster improvements in instruction, curriculum, and assessment.

(2) It is the further intent of the legislature that what is learned from local projects under the reach for excellence grant program established under section 403 of this act shall be considered as a basis for the development of new goals, standards, and assessments for the state education system.

(3) The reach for excellence grant program shall be:

(a) Responsive to local educational concerns and desires;

(b) Educational, focusing on improving student learning and skills and encouraging the development of new measures to assess student performance;

(c) Accountable, so that projects earn reach achievement awards linked directly to progress made toward identified educational outcomes;

(d) Collaborative, with projects reflecting a partnership between students, parents, teachers, principals, and others; and

(e) Home-based, tailored to the needs of each participating school.

NEW SECTION. Sec. 402. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 403 through 414 of this act.

(1) "Educational outcomes" and "target educational outcomes" mean expected levels of student performance and achievement, including student learning objectives required under RCW 28A.320.210.

(2) "Indicators" means institutional factors that may bear a relationship to student learning and can be used to help assess students' progress toward identified educational outcomes.

(3) "Context indicators" means variables that characterize the setting in which educational programs are delivered and generally are items over which schools have little control.

(4) "Process indicators" means variables that characterize how educational programs are delivered and generally are items over which schools have some control.

(5) "Grant" means state funds provided to a district with a selected reach for excellence project for use in the planning and initial implementation of the project.

(6) "Award" or "reach achievement award" means state funds provided to a reach project for progress made toward target educational outcomes.

(7) "Superintendent" means the superintendent of public instruction.

NEW SECTION. Sec. 403. (1) From funds appropriated by the legislature, the state board of education shall establish the reach for excellence grant program to assist schools and school districts in local efforts to improve student learning and skills. Participation in the program shall be voluntary.

(2) Schools or districts selected to participate in the reach for excellence grant program shall be required to match the state funds under section 406(2) of this act at fifty percent. The district match may consist of funds under section 1101 of this act.

(3) The state board of education shall be responsible for final decisions regarding selection and funding levels of projects and for the manner in which reach achievement awards shall be distributed. Reach projects may be conducted for up to six years subject to funding and annual approval by the state board. No project may receive continued funding for additional planning or reach achievement awards without approval from the state board. The state board shall use the benchmark data for the target educational outcomes required under section 406(2)(f) of this act in annually assessing the progress made toward the target educational outcomes to determine project eligibility for annual reach achievement awards. In evaluating projects to determine their continuation the state board shall emphasize giving projects maximum flexibility and time to be successful.

(4) The superintendent shall be responsible for administration of the reach for excellence program once projects and funding levels have been determined by the state board.

(5) The state board shall establish a working committee to assist it with:

(a) The development of any additional grant application criteria;

(b) Selecting reach applicants for grant awards;

(c) Determining the manner in which reach achievement awards will be distributed;

and

(d) Monitoring the development and use of measures of assessing student performance in addition to standardized tests, as required under section 406 of this act.

NEW SECTION. Sec. 404. (1) The superintendent shall assure that the sum total of all funds allocated for planning grants and for reach achievement awards does not exceed the amount appropriated by the legislature for the reach for excellence grant program.

(2) The superintendent shall award funds appropriated for the reach for excellence grant program to the selected projects as follows. The initial grant shall be awarded to projects for planning activities relating to implementation of the local reach project and for initial implementation of the project. Planning and initial implementation grants shall be for the 1991-92 and 1992-93 school years. These grants may be used for the following purposes:

(a) Planning;

(b) Staff development and training;

(c) Purchase of instructional materials, supplies, and resources;

(d) Development of new measures to assess student performance; and

(e) Initial implementation of the reach project.

(3)(a) Commencing with the end of the 1993-94 school year, and each school year thereafter, projects receiving initial reach grants shall be evaluated by the state board to determine their eligibility for reach achievement awards as determined under section 403(3) of this act.

(b) School staff shall have the final authority to determine how the reach achievement awards will be used and, if applicable to the project, how much each staff member shall receive.

(4) Reach achievement awards may be used for the following purposes:

(a) Any of the purposes authorized under subsection (2) of this section;

(b) Stipends or salary and compensation increases for certificated or classified staff under RCW 28A.400.200(4). Nothing in sections 402 through 414 of this act precludes the use of reach achievement awards for providing stipends or salary and compensation increases through a compensation model characterized by differentiated levels of employment classification for certificated staff and differentiated responsibilities for each level of employment classification; or

(c) Any combination of (a) and (b) of this subsection.

(5) A site-based council may use planning grant funds under subsection (2) of this section for planning, staff and community development and training, and materials and supplies: PROVIDED, That these activities are related directly to the reach project.

NEW SECTION. Sec. 405. Use of reach achievement awards for the purpose of section 404(4)(b) of this act is not an increase in salary or compensation for the purposes of RCW 28A.400.200, nor may such compensation be applied to the district's salary schedule or be provided in a manner that would increase the state's basic education funding obligation.

NEW SECTION. Sec. 406. (1) Schools or school districts interested in implementing or enhancing existing local projects for educational excellence shall submit a grant application to the state board of education. All applications shall be submitted by the district's board of directors. If possible, applicants should develop their reach projects as part of the self-study process under RCW 28A.320.200, or otherwise link the proposed reach project to the self-study results of the school or district.

(2) Grant applications shall include:

(a) Documentation that at least one public hearing was held on the proposed reach project or projects. The public hearing required under this subsection, and other public hearings as may be held, may be conducted as part of the public hearings required under chapter 28A.505 RCW;

(b) Documentation that all parties are committed to work cooperatively during the term of the project;

(c) A statement indicating how the proposed reach project supports the state vision for excellence in education endorsed under Senate Concurrent Resolution No. 8400;

(d) A description of how the reach for excellence grant program funds will be expended. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(e) Target educational outcomes for the selected basic academic, workplace, and life and family skills under section 407 (1) through (3) of this act. Student learning objectives required under RCW 28A.320.210 may be used for target educational outcomes if applicable for the purposes of the reach project;

(f) Benchmark data for the target educational outcomes identified for the selected skills under section 407 (1) through (3) of this act;

(g) Benchmark data for context and process indicators as provided under section 408 of this act;

(h) Identification of the evaluation and accountability procedures and activities, including potential use of context and process indicators, that may be used to: (i) Assess progress toward the target educational outcomes; (ii) evaluate additional educational benefits received by students, building staff, and parents from implementation of the reach project; and (iii) assess the overall effectiveness of the project. Applicants may use evaluation and accountability procedures and activities established under the state self-study program under RCW 28A.320.200. Applicants shall identify at least one measure of assessing student performance other than standardized testing that will be developed or used as part of the reach project. Applicants are encouraged to seek information from state higher education institutions regarding potential alternatives to standardized testing;

(i) A written statement that school directors and administrators are willing to exempt the reach project or projects from specifically identified local rules, as needed;

(j) A written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the reach project or projects;

(k) Written statements of support from the district's board of directors, the district superintendent, and the principal and staff of the school or schools requesting to implement a reach project, and statements of support, willingness to participate, or concerns from any interested persons or organizations; and

(l) Other information as may be determined necessary by the state board of education.

NEW SECTION. Sec. 407. (1) Grant applications under section 406 of this act shall include target educational outcomes for at least three of the following basic academic skill areas:

- (a) Reading and writing of the English language;
- (b) Speaking and listening;
- (c) Observing and questioning;
- (d) Studying;
- (e) Reasoning and problem solving;
- (f) Mathematics; and
- (g) Computer competency.

(2) Grant applications under section 406 of this act shall include educational outcomes for at least two of the following workplace skill areas:

- (a) Decision making;
- (b) Cooperation and teamwork;
- (c) Self-directed learning; and
- (d) Positive work habits.

(3) Grant applications under section 406 of this act shall include educational outcomes for at least two of the following life and family skill areas:

- (a) Home and family life;
- (b) Career planning;
- (c) Life-long learning;
- (d) Responsible and ethical behavior;
- (e) Concern for others;
- (f) Interpersonal relationships; and
- (g) The arts, performing arts, and music.

(4) Grant applications shall indicate for subsections (1) through (3) of this section the grade levels and subject matter areas in which the identified skills will be addressed.

NEW SECTION. Sec. 408. (1) If possible, grant applications under section 406 of this act should include benchmark data for the context and process indicators listed under subsections (2) and (3) of this section. However, as a condition to receiving reach for excellence program grant funds, applicants selected for the reach program shall submit to the state board of education the benchmark data for the context and process indicators listed under subsections (2) and (3) of this section.

(2) Applicants shall provide benchmark data for the following context indicators developed by the educational outcomes and measurement committee and reported to the legislature by the superintendent in 1989:

- (a) The average percent of students absent from school each day;
- (b) Student mobility rate;
- (c) School growth rate;
- (d) Teacher mobility rate;
- (e) Administrator mobility rate;
- (f) The percent of students from low-income families; and

(g) The percent of students who speak English as a second language; plus
 (h) The average percent of teachers absent from school each day.
 (3) Applicants shall provide benchmark data for the following process indicators developed by the educational outcomes and measurement committee and reported to the legislature by the superintendent in 1989:

- (a) Student-teacher ratio;
- (b) Student-counselor ratio;
- (c) Student-staff specialist ratio;
- (d) The average expenditure per student;
- (e) The average expenditure per staff member for in-service for staff development;
- (f) School accreditation status;
- (g) The percent of students served by compensatory education programs;
- (h) The percent of students served by chapter 1 migrant education programs;
- (i) The percent of students served by special education programs; and
- (j) The percent of students served by gifted-talented programs.

(4) If possible and appropriate, benchmark data required under section 406(2)(f) of this act and subsections (2) and (3) of this section shall be provided on a by-school basis. If this is not possible, the benchmark data shall be provided on a district-level basis.

NEW SECTION. Sec. 409. (1) Grant applications may be submitted jointly by two or more school districts or by an educational service district on behalf of one or more school districts. An application may include a proposal for two or more school buildings to implement jointly a reach for excellence project.

(2) Upon request from a school district, the superintendent or the educational service district shall provide the district with technical assistance to develop the grant application.

(3) Upon request from a reach for excellence project, the superintendent or the educational service district shall provide the project with technical assistance to develop a measure of assessing student performance as required under section 406(2)(h) of this act.

NEW SECTION. Sec. 410. Applicants selected for the reach for excellence grant program may request from the state board of education or the superintendent a waiver from the statutory or regulatory requirements relating to:

- (1) Teacher contact hour requirements under RCW 28A.150.260;
- (2) Basic education program hours offering requirements under RCW 28A.150.200 through 28A.150.220;
- (3) Student learning objectives under RCW 28A.320.210; and
- (4) Mandatory school building self-study under RCW 28A.320.200.

The waivers may be renewed subject to continued funding and approval by the state board of education under section 403 of this act.

NEW SECTION. Sec. 411. If modifications to existing local bargaining agreements are necessary to implement grant proposals, those modifications shall be clearly stated in the written agreement between the school district board of directors and the exclusive bargaining representative for district certificated instructional staff. The requirement is not necessary if a previously written agreement to waive the provisions of chapter 41.59 RCW for schools with reach projects has been reached by the same two parties.

NEW SECTION. Sec. 412. (1) Each school district shall report to the state board of education by October 1, 1993, and annually thereafter pursuant to section 414(4) of this act, the following information:

- (a) The educational excellence activities supported by reach for excellence grant funds;
- (b) Updated information relating to the required benchmark data;
- (c) Progress made toward the target educational outcomes; and

(d) The means and the results of evaluating the target educational outcomes and additional benefits received by students, building staff, and parents from implementation of the local reach project.

(2) By December 1, 1993, and by December 1st of each subsequent even-numbered calendar year, the state board of education shall provide the legislature and the governor a report on the reach for excellence grant program. The reports shall include information on the items required under subsection (1) of this section.

(3) In the report due December 1, 1996, the state board shall:

(a) Indicate the most common basic academic, workplace, and life and family skills and accompanying target educational outcomes identified by the reach projects;

(b) Indicate the development or use of measures to assess student performance other than standardized tests;

(c) Indicate the number of projects that implemented the waivers authorized under section 410 of this act;

(d) Include recommendations on the feasibility of implementing basic academic, workplace, and life and family skills, educational outcomes, and context and process indicators state-wide; and

(e) Comment on or recommend how the salary allocation schedule developed by the legislative evaluation and accountability program committee might reflect a school performance assessment model based on basic academic, workplace, and life and family skills, educational outcomes, and context and process indicators.

(4) The state board of education shall submit a final report on the reach for excellence grant program to the legislature and the governor not later than December 1, 1998.

NEW SECTION. Sec. 413. The superintendent shall provide for the sharing of information between reach projects and with schools and districts not selected or not participating in the reach for excellence grant program.

NEW SECTION. Sec. 414. (1) The state board of education and the superintendent shall adopt rules as necessary under chapter 34.05 RCW to implement sections 402 through 414 of this act. The rules shall be adopted not later than December 1, 1991.

(2) The rules shall include the following dates to govern administration of the reach for excellence grant program:

(a) Initial applications must be received by the state board of education not later than March 15, 1992;

(b) The state board of education shall evaluate the applications and select the initial projects for grants by May 31, 1992; and

(c) After planning, initial implementation of the first reach projects shall commence no later than the start of the 1993-94 school year.

(3) The state board shall establish an annual date by which subsequent applications must be submitted.

(4) The state board shall establish a date by which the annual report required under section 412(1) of this act shall be submitted.

(5) The state board shall establish an annual date by which the board shall notify each project of the amount of any eligible reach achievement award and status to continue.

"PART V STUDENT ACHIEVEMENT TESTS"

Sec. 501. RCW 28A.230.190 and 1990 c 101 s 6 are each amended to read as follows:

(1) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the school district. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing,

mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.

(2) The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skill in reading, mathematics, writing, science, history, geography, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation.

(3) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grade four.

Sec. 502. RCW 28A.230.230 and 1990 c 101 s 2 are each amended to read as follows:

The superintendent of public instruction shall prepare and conduct, with the assistance of school districts, an annual assessment of all students in the eighth grade. The purposes of the assessment are to assist students, parents, and teachers in the planning and selection of appropriate high school courses for students and to provide information about students' current academic proficiencies both in the basic skills of reading, writing, science, mathematics, economics, history, geography, and language, and in the reasoning and thinking skills essential for successful entry into those courses required for high school graduation. The assessment shall also include the collection of information about students' interests and plans for high school and beyond and may include the collection of other related student and school information. The superintendent of public instruction shall make the results of the assessment available to all school districts which shall in turn make them available to students, parents, and teachers in a timely fashion and in a manner consistent with the purposes of RCW 28A.230.220 through 28A.230.260.

Sec. 503. RCW 28A.230.240 and 1990 c 101 s 3 are each amended to read as follows:

The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an annual assessment of all students in the eleventh grade beginning with the 1991-92 school year. The purposes of the assessment are to provide achievement and guidance information to students, parents, and teachers that will assist in reviewing students' current performance and planning effectively for their initial years beyond high school. The achievement measures shall assess students' strengths and deficiencies in the broad content areas common to the high school curriculum and those thinking and reasoning skills essential for completing high school graduation requirements and for success beyond high school. The assessment shall include measurements of the students' skills in reading, writing, mathematics, language, history, geography, economics, and science and technology. The assessment shall also collect information about students' career interests and plans and other related student and school information including students' high school course selection patterns, course credits, and grades. The superintendent of public instruction shall make the results of the assessment available to all local school districts which shall in turn make them available to students, parents, and teachers in a timely fashion and in a manner consistent with the purposes of RCW 28A.230.220 through 28A.230.260. No grade ten students shall be tested in the fall of 1990 and the funds already appropriated for such testing shall be used for the planning and preliminary development work necessary to implement RCW 28A.230.220 through 28A.230.260.

NEW SECTION. Sec. 504. A new section is added to chapter 28A.230 RCW to read as follows:

The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an annual assessment of all students in grade twelve. The purpose of the assessment is to determine the competence of students in the subject matters of reading, writing, mathematics, language, science, technology, economics, history, geography, and reasoning and thinking skills.

NEW SECTION. Sec. 505. A new section is added to chapter 28A.230 RCW to read as follows:

(1) The superintendent of public instruction shall establish standards by which successful completion of the achievement assessments and tests under this chapter are to be measured. In preparing the assessments, tests, and standards, the superintendent of public instruction shall consider the special needs of students in programs such as the handicapped and bilingual education programs. Each school district shall notify the parents of each student of their child's performance on the assessments and tests conducted under this chapter.

(2) A school district shall not advance a student beyond the fourth, eighth, or eleventh grade without the student having successfully completed the respective assessment or test under this chapter, unless the school district determines that the educational interests of the student are best served by advancement to the next grade. In making this determination, the school district shall consult with the parents of the student. If the parents, in writing, desire that the student not be advanced, the school district shall not advance the student.

(3) After October 1, 1997, no student may graduate from a high school in this state unless the student has successfully completed the assessment conducted under section 504 of this act.

(4) If a student fails to successfully complete a test or assessment under this chapter, the school district shall offer additional educational opportunities to prepare the student to successfully retake all or part of the test or assessment. Such educational opportunities may include learning assistance programs, tutoring, summer school, or after-school classes.

"PART VI

ENHANCING THE TEACHING PROFESSION"

NEW SECTION. Sec. 601. The legislature recognizes that total compensation for educational employees should take into account job performance and reflect public expectations for both educational employees and the public education system. The legislature further believes that any examination of total compensation for educational employees should consider how total compensation levels are:

- (1) Commensurate with public expectations;
- (2) Comparable to other professions requiring similar educational experience; and
- (3) Comparable to other states.

NEW SECTION. Sec. 602. (1) The department of personnel, in consultation with teachers, classified employees, administrators, school directors, business, labor, parents, and legislators shall conduct a study of total compensation for educational employees in Washington. The study shall include, but is not limited to, a review of the relationship between total compensation for educational employees and:

- (a) Total compensation paid:
 - (i) In other professions requiring comparable educational experience and preparation; and
 - (ii) To teachers, administrators, and classified employees in other states;
- (b) The in-service training act of 1977, RCW 28A.415.030 and 28A.415.040;
- (c) In-service and staff development opportunities sponsored by school districts, educational service districts, or other providers of in-service and staff development programs;

(d) The provisions of RCW 28A.215.020 that allow credit on the salary schedule developed by the legislative evaluation and accountability program committee for approved in-service and continuing education;

(e) The state board of education's continuing education requirement for certificated instructional staff with continuing certificates;

(f) The length of the school year for contracted certificated and classified employees;

(g) The teacher assistance program under RCW 28A.405.450;

(h) The self-study program under RCW 28A.320.200;

(i) The schools for the twenty-first century program under RCW 28A.630.100 through 28A.630.290;

(j) The evaluation of certificated employees under RCW 28A.405.100;

(k) State board of education teacher assignment and certificate endorsement policies;

(l) Certification requirements under chapter 28A.410 RCW;

(m) The Washington award for excellence in education program under RCW 28A.625.020 through 28A.625.070, and particularly the Christa McAuliffe award under RCW 28A.625.030;

(n) Local education program enhancement funds; and

(o) The results of the studies by the state board of education on internships and alternative classification.

(2) A review of the relationship between staffing and total compensation levels for certificated and classified positions.

(3) Based on the results of the study findings, the department of personnel shall submit to the legislature and the governor not later than December 1, 1991, a plan to bring educational employees' total compensation to a level that places Washington in the top ten states by the beginning of the 1997-98 school year.

NEW SECTION. Sec. 603. The department of personnel, in consultation with teachers, classified employees, administrators, school directors, business, labor, parents, and legislators shall study and recommend to the legislature and the governor not later than December 1, 1991, a plan to maintain total compensation for educational employees in Washington at the levels to be established under section 602(2) of this act. The plan may include the use of peer states or peer professions.

NEW SECTION. Sec. 604. The definitions in this section apply throughout sections 605 through 608 of this act.

(1) "Teacher" means a certificated instructional staff person employed in a public school in this state. The term includes persons holding a certificate under sections 609 through 611 of this act.

(2) "Certificated staff" means teachers and certificated administrative staff.

(3) "School building" means a discrete school operated by a school district.

NEW SECTION. Sec. 605. The superintendent of public instruction, from available funds, shall allocate to school districts funds to effectuate an optional performance-based salary enhancement program for the teachers and certificated administrative staff of the state. Funds appropriated by the legislature for optional, performance-based salary enhancements shall be separate from and in addition to funds appropriated by the legislature for salary increases for certificated staff.

Funds provided for the optional, performance-based salary enhancement program under this section shall be allocated by the superintendent of public instruction to school buildings in the state on a grant basis.

NEW SECTION. Sec. 606. (1) In order to apply for a performance-based salary enhancement grant, a majority vote by the certificated staff of the building is required.

(2) Schools, through the school district, shall submit a grant application to the superintendent of public instruction. The grant application shall include the following information:

(a) Documentation that a performance-based salary enhancement plan has been adopted by a committee established in the school building. The committee shall be a school site-based council under sections 201 through 204 of this act; and

(b) Documentation that the performance-based salary enhancement plan identifies the criteria to be used to evaluate the performance of those certificated staff participating in the program, the levels of salary enhancement that can be earned under the plan, and the person or persons responsible for evaluating the performance of participating staff to determine eligibility for a salary enhancement.

(3) The criteria under subsection (2)(b) of this section for the performance-based salary enhancement plan may include the following criteria:

(a) Demonstration of improved competency of students leaving grades four, eight, eleven, and twelve in the subject matters of reading, writing, mathematics, science, history, and geography. The improved competency shall be measured by the assessments and tests administered under chapter 28A.230 RCW;

(b) Development of lesson plans with understandable student learning objectives that provide for measurement of student achievement against those objectives, and evaluation of improved student achievement resulting from the plans;

(c) Demonstration of staff competency in theory and content of assigned subject matter, as well as principles and methods of instruction;

(d) Maintenance of a clearly understood grading procedure that is administered fairly and consistently, and is directly related to student learning objective improvement;

(e) Demonstration of increased student motivation, self-direction, and self-discipline;

(f) Demonstration of communication skills for improvement in parent/staff relationships that effectively contribute to improved student performance; and

(g) Decreasing rates of student absenteeism and, in the case of high school buildings, demonstration of an increased graduation rate for students. The plan shall include a methodology for calculating the graduation rate that reflects the rate of student drop-outs as well as student transfers into and out of the school.

(4) In developing the performance-based salary enhancement plan, the committee shall seek input from appropriate groups, including parents, teachers, administrators, students, and the public. Prior to adoption of the plan, the committee shall present the plan in a public hearing with prior public notice.

(5) It is the intent of the legislature that the performance-based salary enhancement program reward those educators whose performance is exemplary and is not intended to result in across-the-board salary increases for all certificated staff in the school building. However, the committee under subsection (2) of this section, by a vote of at least three-fourths of its members, may adopt a performance-based salary enhancement program that results in uniform across-the-board salary increases.

NEW SECTION. Sec. 607. Performance-based salary enhancement grants for certificated staff do not constitute an increase in salary or compensation for purposes of RCW 28A.400.200, nor may such compensation be applied to the district's salary schedule or be provided in a manner that would increase the state's basic education funding obligation.

NEW SECTION. Sec. 608. Schools or districts accepting performance-based salary enhancement grant funds shall be required to match the state funds at fifty percent. The match may consist of funds under section 1101 of this act.

NEW SECTION. Sec. 609. It is the intent of the legislature to attract career professionals from diverse backgrounds into the teaching profession and prevent teacher shortages by making alternate teacher certification available to persons with baccalaureate degrees and extensive, relevant work experience. The alternate certificate established under section 610 of this act shall allow eligible persons to qualify for initial teacher certification upon satisfactory completion of limited preservice coursework and two years

of full-time teaching under the guidance and supervision of an employee of a school district in Washington state.

NEW SECTION. Sec. 610. The state board of education shall by December 15, 1991, adopt rules to implement an alternate teacher certificate having the following standards:

(1) Each candidate for the alternate teacher's certificate shall:

(a) Possess a baccalaureate degree in the arts, sciences, or humanities from an accredited college or university;

(b) Have completed a minimum number of years, as determined by the state board of education, of occupational experience relevant to the subject area in which he or she is seeking endorsement;

(c) Meet the age and character requirements established by the state board of education for all certificated school staff, including compliance with the background check through the Washington state patrol criminal investigation system as required under RCW 28A.410.010; and

(d) Possess a contract for employment in a school district of the state.

(2) Prior to beginning teaching under the alternate teacher certificate, the candidate shall:

(a) Have satisfied preservice coursework requirements established by the state board of education for this purpose. These requirements shall be limited to no more than fifteen quarter hours or ten semester hours of postbaccalaureate coursework, or the equivalent in state board of education approved in-service clock hours. In establishing the requirements, the state board shall select courses available during the summer as well as the school year;

(b) Have developed with their employing school district a written plan for supervision, guidance, and support to be provided to the candidate by the district for the duration of the alternate certificate. The plan shall include but not be limited to assignment by the district of a mentor teacher according to criteria established for the teacher assistance program under RCW 28A.405.450 and evaluation under the school district's teacher evaluation procedures.

(3) The alternate teacher certificate allows the holder full authority to serve as a part-time or full-time teacher. The certificate shall be valid for not more than two years of full-time teaching or its equivalent. A person desiring to teach beyond the expiration date of his or her alternate certificate shall apply for initial or professional certification with the superintendent of public instruction. Such certification shall be conditioned upon the satisfaction of all requirements in this section and recommendation by the school district employing the candidate under alternate certification. Initial certification shall not require additional coursework or experience.

(4) The alternate certification developed under this section shall be available not later than the 1992-93 school year.

NEW SECTION. Sec. 611. (1) The state board of education shall report to the legislature by December 15, 1991, on:

(a) The standards adopted pursuant to section 610 of this act; and

(b) Recommendations for placement of teachers with alternate certification as provided for in section 610 of this act on the state-wide salary allocation schedule.

(2) The state board of education shall report annually to the legislature and the governor on alternate teacher certification. Each report is due by December 1st and shall include but not be limited to: The number of alternate certification teachers hired by school districts; the grade level and subject areas to which they have been assigned; the number of instructional hours they have taught; the number who have applied for initial or professional certification; and the number who have been granted initial or professional certification.

Sec. 612. RCW 28A.410.030 and 1987 c 525 s 203 are each amended to read as follows:

(1) The state board of education shall require a uniform state ((exit)) entry to practice examination for teacher certification candidates.

(2) Commencing August 31, 1993, ((teacher certification)) for initial teacher certification or alternative certification under sections 609 through 611 of this 1991 act candidates completing a teacher preparation program shall be required to pass an ((exit)) entry to practice examination before being granted an initial certificate. The examination shall test knowledge and competence in: (a) The subjects ((including, but not limited to,)) for which the candidate has an endorsement; and (b) instructional skills, classroom management, and student behavior and development. The examination for (b) of this subsection shall consist primarily of essay questions.

(3) Candidates shall pass the examinations in subsection (2) (a) and (b) of this section. However, if a candidate passes only the examination in subsection (2)(b) of this section, the candidate may teach for one school year if the candidate retakes the examination in subsection (2)(a) of this section once each six months while teaching.

(4) The state board of education shall adopt such rules as may be necessary to implement this section.

Sec. 613. RCW 28A.405.220 and 1990 c 33 s 391 are each amended to read as follows:

Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first three years of employment by such district, unless the employee has previously completed at least three years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district. Employees as defined in this section shall hereinafter be referred to as "provisional employees".

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of

directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

Sec. 614. RCW 28A.410.040 and 1990 c 33 s 406 are each amended to read as follows:

(1) The state board of education shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW 28A.305.130 (1) and (2). ~~((The state board of education shall develop and adopt rules establishing baccalaureate degree equivalency standards for certification of vocational instructors performing instructional duties and acquiring initial level certification after August 31, 1992.))~~ However, candidates for grades preschool through eight certificates shall have fulfilled the requirements for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

(2) ~~((The state board of education shall study the impact of eliminating the major in education under subsection (1) of this section and submit a report to the legislature by January 15, 1990. The report shall include a recommendation on whether the major in education under subsection (1) of this section should be eliminated.~~

~~(3))~~ The initial certificate shall be valid for ~~((two years.~~

~~(4) Certificate holders may renew the certificate for a three year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two year extension period. Under no circumstances may an initial certificate be valid for))~~ a period of no more than seven years. The initial certificate may be reinstated pursuant to state board of education rules.

Sec. 615. RCW 28A.410.050 and 1989 c 29 s 2 are each amended to read as follows:

~~((1) The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1992, shall possess, as a requirement of professional status, a masters degree in teaching, or a masters degree in the arts, sciences, and/or humanities.~~

~~(2))~~ The state board of education shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring ((professional level)) certification after August 31, 1992.

"PART VII

PRIMARY GRADES SPECIAL EMPHASIS GRANT PROGRAM"

NEW SECTION. Sec. 701. (1) A student's ability to learn can be affected by a number of both positive and negative factors, including but not limited to: Level of

parent involvement and support; child abuse and neglect; poverty, including parental unemployment or underemployment; family transiency and homelessness; drug and alcohol abuse; poor health and nutrition; crime; and peer influence. Such factors can be manifested in forms such as underachievement and failure, absenteeism and truancy, drug and alcohol abuse, delinquency, suicide, disruption of the classroom learning environment, dropping out, teen pregnancy, and, later in life, unemployment, a need for public assistance, treatment or institutionalization for mental health reasons, involvement with the judicial system, and possible imprisonment for criminal convictions.

(2) The legislature finds that:

(a) Prevention and intervention services at the elementary level can offer early identification, encouragement, and follow-up of each child's special interests, creative talents, and particular abilities as well as identification of and cooperative assistance with learning, emotional, environmental, social, or physical obstacles to normal child growth and development; and

(b) The provision of counseling and related prevention and intervention services at the elementary level can contribute to enhancement of the classroom environment for students and teachers, and better enable students to realize their academic and personal potential.

NEW SECTION. Sec. 702. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 702 through 710 of this act.

(1) "Child intervention specialist" means:

(a) An educational staff associate who holds certification as a school counselor, a school psychologist, a school nurse, or a school social worker under state board of education rules adopted pursuant to RCW 28A.305.130; or

(b)(i) An appropriate public or private provider of professional health care as defined under RCW 18.120.020(4), including providers employed by the state of Washington;

(ii) A mental health professional as defined under RCW 71.05.020(12), including mental health professionals employed by the state of Washington; or

(iii) A child psychiatrist or children's mental health specialist as defined under RCW 71.34.020, including child psychiatrists or children's mental health specialists employed by the state of Washington, whose services may be requested by a school district pursuant to a prevention and intervention program for elementary students implemented under sections 703 through 705 of this act.

(2) "Early grades," "elementary grades," and "elementary level" mean kindergarten through grade six and may include preschool age children served by the school district.

(3) "Elementary grades prevention and intervention program" means a program of services and activities or events developed pursuant to sections 703 through 705 of this act.

(4) "Superintendent" means the superintendent of public instruction.

NEW SECTION. Sec. 703. (1) From funds appropriated by the legislature, the superintendent shall establish a voluntary program to assist school districts in providing prevention and intervention programs for elementary grade students. This program shall be called the fair start program. The fair start program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(2) Any district currently providing elementary students with prevention and intervention services which loses the source of funding for those services, for reasons beyond the control of the district, may use fair start funds to continue or enhance the existing level of prevention and intervention services.

NEW SECTION. Sec. 704. The superintendent shall distribute funds equitably to all school districts based on the district's enrollment in grades kindergarten through six. Districts accepting fair start allocations shall be required to match the state funds at fifty

percent. In addition to the funds under section 1101 of this act, the district match may consist of:

- (1) Federal funds;
- (2) Other funds available to districts, including funds from state programs with prevention and intervention components, such as:
 - (a) The substance abuse awareness program under RCW 28A.170.010 through 28A.170.070;
 - (b) The substance abuse prevention and intervention program under RCW 28A.170.075 through 28A.170.100;
 - (c) The community mobilization against substance abuse program under RCW 43.270.010 through 43.270.080;
 - (d) The learning assistance program under RCW 28A.165.010 through 28A.165.090;
 - (e) The dropout prevention program under RCW 28A.175.020 through 28A.175.070;
- (3) District funds currently used for elementary prevention and intervention services;
- (4) Contributions of or contractual arrangements for services, including the use of a child intervention specialist licensed or employed by the state of Washington, materials, supplies, or physical facilities; or
- (5) Any combination of funds under subsections (1) through (4) of this section.

NEW SECTION. Sec. 705. (1) School districts interested in implementing or enhancing an elementary grades prevention and intervention program shall submit the following information to the superintendent of public instruction:

- (a) Documentation that the district board of directors has adopted a written policy regarding the district's role and responsibility relating to prevention and intervention services for elementary students or a letter of commitment from the board of directors that a written policy will be adopted within six months of receipt of state funding under this chapter;
- (b) District goals relating to prevention and intervention services for elementary students;
- (c) Procedures for notifying parents or guardians regarding:
 - (i) The referral of students for prevention and intervention services; and
 - (ii) Liability issues relating to the provision of prevention and intervention services to students outside school buildings;
- (d) Use of grant funds for prevention and intervention related in-service purposes, including, as necessary and appropriate, multicultural in-service training for child intervention specialists;
- (e) How the services of child intervention specialists may be integrated into the district's elementary grades prevention and intervention program;
- (f) Evaluation procedures the district will implement to assess the effectiveness of the district's early grades prevention and intervention program; and
- (g) Other information as requested by the superintendent.

(2) The district's plan for providing prevention and intervention services to students shall be based on the district's identified goals under subsection (1)(b) of this section. The plan shall be developed with the participation of, but not limited to, district and building-level staff and administrators, child intervention specialists, and parents.

(3) In addition to the information required under subsection (1) of this section, school districts and educational service districts accepting moneys under the fair start program shall be required to establish formal agreements for coordinated case management with lead mental health agencies or other public or private social service agencies that are present in the community with an emphasis on the most efficient and cost-effective use of fair start funds.

(4) Two or more school districts may submit a joint application for the purpose of establishing or enhancing a cooperative prevention and intervention program for elementary grades students.

(5) An educational service district may submit an application on behalf of one or more school districts for the purpose of establishing or enhancing an elementary grades prevention and intervention program.

NEW SECTION. Sec. 706. (1) Districts shall use fair start funds to provide prevention and intervention services to students in grades preschool through six with priority given to students based on need. Districts shall establish the criteria determining need and include this information in the reports required under section 709 of this act.

(2) In developing their elementary grades prevention and intervention programs, districts shall, as appropriate, take into consideration the multicultural background and needs of students and, as necessary, provide appropriate multicultural curriculum materials.

(3) In developing their elementary grades prevention and intervention programs, districts shall emphasize the delivery of services using child intervention specialists as defined in section 702(1)(a) of this act. Districts are encouraged to have child intervention specialists as defined in section 702(1)(b) of this act deliver services in the district and under the supervision of a child intervention specialist as defined in section 702(1)(a) of this act under the district's prevention and intervention program.

(4) Nothing under sections 702 through 710 of this act shall preclude a district from incorporating a primary intervention program model as part of the district's fair start program.

NEW SECTION. Sec. 707. The superintendent shall develop specific measures to evaluate the success of the grant projects and the fair start program. The department of social and health services shall provide the superintendent with information the superintendent may use in developing measures to evaluate the fair start program and projects.

NEW SECTION. Sec. 708. (1) The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 702 through 707 of this act.

(a) The rules shall permit districts to contract with governmental or nongovernmental organizations or community-based professional health care providers to provide elementary students with prevention and intervention services under the local fair start program.

(b) The rules shall permit school districts to provide prevention and intervention services through the local educational service district.

(c) The rules shall assure appropriate coordination between the superintendent and the department of social and health services regarding the primary intervention program and the fair start program.

(2) The secretary of the department of social and health services shall adopt rules as necessary under chapter 34.05 RCW to assure appropriate coordination between the secretary and the superintendent regarding the fair start program and the primary intervention program.

NEW SECTION. Sec. 709. (1) School districts and educational service districts shall submit annually to the superintendent of public instruction a report on their fair start programs. The reports shall include the criteria established to determine students' needs to provide prevention and intervention services on a priority basis.

(2) The superintendent shall submit biennially a report to the governor and the legislature on the fair start program established under section 703 of this act. The first report shall be submitted not later than December 1, 1992. The first report shall include information on districts' criteria establishing students' needs to receive prevention and intervention services on a priority basis. Subsequent reports shall be submitted not later than December 1 in even-numbered years.

NEW SECTION. Sec. 710. (1) The superintendent of public instruction shall collect and disseminate to school districts information on programs established or enhanced under the fair start program.

(2) Upon request, the superintendent shall provide information to districts regarding how other districts have used fair start funds locally and how other districts have established formal agreements for coordinated case management under section 705(4) of this act or otherwise coordinated services to children.

"PART VIII

WORKPLACE SKILLS GRANT PROGRAM"

NEW SECTION. Sec. 801. (1) The legislature recognizes that students now and in the future will need to acquire certain skills to be better prepared to function in a rapidly changing society, including an ever changing workplace environment. As we continue to experience the fast-paced social evolution into an information and service-oriented age, individuals' abilities to assimilate information quickly and their capacity to adjust to new circumstances are rapidly becoming new fundamental skills.

(2) New technologies are being introduced into the education system but need to be introduced more quickly and equitably across the curriculum. At the same time, teachers and students need to become familiar with the educational technologies and to learn how to use these technologies to enhance the educational experience.

(3) The legislature finds that providing for the integration of technology in education, providing resources to enhance vocational education programs, facilitating the integration of academics and vocational education, and encouraging innovative developments in the use of technology and vocational education will make students better prepared to meet the challenges of the twenty-first century.

NEW SECTION. Sec. 802. The voc ed works 2000 program is created. The program shall encourage the development of new and the improvement of existing vocational projects to help students learn the skills necessary to meet the challenges of an increasingly technological and ever-changing workplace. Goals of projects within the program shall include but not be limited to:

(1) Encouraging the integration between academic and vocational programs with the following specific items addressed:

(a) Revision of instructional strategies and materials used in vocational courses to establish higher academic standards and expectations for students;

(b) Development of a challenging multiyear program of study that combines academic and vocational elements designed both to prepare students for employment after high school and for further education;

(c) Access to rewarding and demanding vocational programs and academic courses for underachieving students and methods of providing needed extra assistance;

(d) Coordination among secondary and postsecondary vocational education programs;

(e) Coordination among vocational and academic administrators and teachers and school counselors, business, and labor, and representatives of postsecondary education to identify, specify, and develop methods to assess minimum levels of academic achievement and technical competencies;

(f) Providing assistance to students in selecting courses and choosing careers;

(g) Expanding efforts to assist students in finding employment or entering an institution of postsecondary education;

(h) Establishing performance indicators both to track and report annual progress;

(i) Providing information about the program throughout the state; and

(j) Identifying the professional development needed by teachers and administrators to assist in the integration of academic and vocational skills;

(2) Encouraging collaborative models among schools and school districts, educational service districts, interdistrict cooperatives, skills centers, public vocational technical institutes, community colleges, business, labor, and industry;

(3) Encouraging the development of workplace competencies and concepts that transcend particular occupational skills;

(4) Encouraging the effective administration of vocational programs; and

(5) Developing modifications in curriculum, instruction, and program delivery to address changing technology and changing students' needs.

NEW SECTION. Sec. 803. (1) The superintendent of public instruction, with the assistance of the state board of education and in consultation with the state board for vocational education and the state board for community college education, shall develop a process for public schools or school districts, educational service districts, interdistrict cooperatives, skills centers, public vocational technical institutes, and community colleges to participate in the voc ed works 2000 program.

(2) The superintendent of public instruction shall review and select projects for the grant awards, and monitor and evaluate programs operated by grant recipients.

(3) The superintendent of public instruction shall evaluate the program on a state-wide basis.

NEW SECTION. Sec. 804. The superintendent of public instruction, after reviewing project proposals, shall, subject to money being appropriated by the legislature for this purpose, select not more than twenty-one projects during each biennium for the voc ed works 2000 program. The projects should reflect a balance among rural and urban areas, geographical areas, and school characteristics and sizes. The projects may be awarded to a public high school, a school district containing one or more high schools, a skills center, an educational service district, an interdistrict cooperative, a public vocational technical institute, or a community college. An award to a community college shall be made only if the project involves a school or school district, educational service district, interdistrict cooperative, public vocational technical institute, or skills center. Applications from two or more school districts, educational service districts, combinations of school districts and community college districts through an agreement under RCW 28B.50.530, or any combination are encouraged.

NEW SECTION. Sec. 805. Initial applications to participate in the voc ed works 2000 program shall be submitted to the office of the superintendent of public instruction not later than September 30, 1991, for implementation beginning December 30, 1991. Subject to available funding, additional applications may be submitted to the superintendent of public instruction for consideration by November 1st of subsequent years. Each application shall contain a proposed plan that:

(1) Describes specific activities to be carried out as part of the project;

(2) Provides for all parties to work cooperatively during the term of the project;

(3) Includes provisions for certificated school staff providing instruction in vocational education programs, and classified school employees with primary roles in implementing and conducting the plan, to be employed on supplemental contracts with additional compensation for an average of ten additional days beyond the general state-funded school year allocations for each participating employee, and staff development time as provided by legislative appropriation. Notwithstanding the provisions of RCW 28A.400.200, district resources may be used to fund the employment of school district staff beyond the average of ten additional days for the purposes of the project;

(4) Includes budget plans for the project and additional anticipated sources of funding, including private grants and contributions, if any;

(5) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, businesses, industries, labor organizations, educational service districts, or consultants available to provide such resources;

(6) Identifies the evaluation and accountability processes to be used to measure student, project, and staff performance;

(7) Justifies each request for waiver of specific state statutes or administrative rules during at least the first two years of the program;

(8) Includes a written statement that school directors and administrators and community college boards of trustees, if applicable, are willing to exempt the projects from specifically identified local rules, as needed;

(9) Includes a written statement that the school directors and community college board of trustees and the local bargaining agents will modify those portions of their local agreements as applicable for the projects;

(10) Includes a written statement that model curriculum programs developed under RCW 28A.300.110 have been considered, if applicable;

(11) Includes written statements of support from the school district board of directors, the school district superintendent, and the principal and staff of the building requesting to become a project, and statements of support, willingness to participate, or concerns from any interested parent, business, or community organization; and

(12) Includes written statements of support from the community college board of trustees and the community college president and staff of the community college requesting to become a project, if applicable.

NEW SECTION. Sec. 806. (1) The superintendent of public instruction shall administer sections 802 through 812 of this act and is authorized to award grant funding, subject to money being appropriated by the legislature for this purpose, for projects selected by the superintendent of public instruction under section 804 of this act.

(2) The superintendent of public instruction shall distribute the initial award grants by December 1, 1991. The initial projects under the voc ed works 2000 program shall begin during the 1991-92 school year.

(3) The projects for the voc ed works 2000 program may be conducted for up to six years, if funds are so provided. Subject to approval by the superintendent of public instruction and continued state funding, projects initially funded for two years may be extended for a total period not to exceed six years. Future funding shall be conditioned on a positive evaluation of the project.

NEW SECTION. Sec. 807. (1) The superintendent of public instruction may accept, receive, and administer for the purposes of sections 802 through 812 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 802 through 812 of this act.

(2) The voc ed works 2000 program account is hereby established in the custody of the state treasurer. The superintendent of public instruction shall deposit in the account all moneys received under this section. Moneys in the account may be spent only for the purposes of sections 802 through 812 of this act. Disbursements from this account shall be on the authorization of the superintendent of public instruction or the superintendent's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 808. (1) The superintendent of public instruction, where appropriate, or the state board of education, where appropriate, is authorized to grant waivers to project applicants from the provisions of statutes or administrative rules relating to: Graduation requirements under RCW 28A.230.090; student to teacher ratios; teacher contact hour requirements under RCW 28A.150.260; teacher certification requirements; program approval standards; the commingling of funds appropriated by the legislature for vocational education programs and basic education programs if not inconsistent with federal laws or regulations; and other administrative rules which in the opinion of the superintendent of public instruction or the state board of education may need to be waived to implement a project proposal.

(2) State rules dealing with public health, safety, and civil rights, including accessibility by the handicapped, shall not be waived.

(3) A school district may request the state board of education or superintendent of public instruction to ask the United States department of education, the United States department of labor, or other federal agencies to waive certain federal regulations necessary to implement the proposed project.

(4) The superintendent of public instruction and the state board of education shall work with the state board for community college education and the higher education coordinating board for the waiver of applicable college entrance requirements and for the establishment of course equivalency requirements for students participating in projects under sections 802 through 812 of this act.

(5) The superintendent of public instruction and the state board of education shall seek the waiver of any applicable provisions of the job skills program under RCW 28C.04.400 through 28C.04.480.

NEW SECTION. Sec. 809. The superintendent of public instruction shall ensure that successful applicants will be afforded resources and special support assistance, as specified in legislative appropriations, in undertaking activities for the voc ed works 2000 program. The superintendent of public instruction shall develop a process that coordinates and facilitates linkages among participating school districts, community colleges, business, labor, and industry. Staff from schools or school districts, public vocational technical institutes, educational service districts, skills centers, and community colleges selected to participate in the voc ed works 2000 program shall be given priority consideration for participation in state sponsored staff development programs and summer institutes which are directly related to the goals of the selected projects.

NEW SECTION. Sec. 810. (1) The superintendent of public instruction may adopt rules under chapter 34.05 RCW as necessary to implement the superintendent's duties under sections 802 through 812 of this act.

(2) The state board of education may adopt rules under chapter 34.05 RCW as necessary to implement its duties under sections 802 through 812 of this act.

NEW SECTION. Sec. 811. (1) The superintendent of public instruction shall report to the legislature on the progress of the voc ed works 2000 program by January 15th of each odd-numbered year, including a recommendation on the number of additional projects that should be authorized and funded. The first report shall be submitted by January 15, 1993.

(2) Each applicant selected to participate in the voc ed works 2000 program shall submit an annual report to the superintendent of public instruction on the progress of the project as a condition of receipt of continued funding.

NEW SECTION. Sec. 812. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the voc ed works 2000 program.

NEW SECTION. Sec. 813. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall review the entrance requirements for the state institutions of higher education and shall work with the boards of trustees and the boards of regents of the state universities, the regional universities, and The Evergreen State College and the superintendent of public instruction and the state board of education regarding waiving certain entrance requirements or developing course equivalencies for students enrolled in a program under sections 802 through 812 of this act.

NEW SECTION. Sec. 814. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education may adopt rules under chapter 34.05 RCW as necessary to implement the board's duties under sections 802 through 812 of this act.

NEW SECTION. Sec. 815. A new section is added to chapter 28A.150 RCW to read as follows:

The superintendent of public instruction shall adopt rules that establish general program approval standards for determining the terms and conditions under which school districts are eligible to receive state funds for secondary vocational education. The standards shall include a provision regarding the use of extended or supplemental contracts for certificated vocational education instructors in vocational fields and provide assistance to districts in determining when to offer such contracts.

NEW SECTION. Sec. 816. (1) Each school district, skills center, educational service district, interdistrict cooperative, or public vocational technical institute receiving state funds for vocational programs shall consult with a local advisory council on vocational education. The district may create a council or may use an existing entity that meets the requirements of this section and sections 817 and 818 of this act. Joint councils may be established.

(2) The councils shall be composed of members who are representative of the population found in the area that the council serves. The council shall be composed of representatives of the general public including at a minimum representatives of business, industry, labor, and spokespersons for persons with disabilities.

NEW SECTION. Sec. 817. The local advisory council shall provide advice and assistance to the school district, skills center, educational service district, interdistrict cooperative, or public vocational technical institute on:

(1) Selecting equipment and instructional materials and establishing specifications for training areas. The council shall suggest ways to provide for the efficient and effective use of equipment and insure maximum use of the equipment;

(2) Determining training needs;

(3) Determining content and length of courses;

(4) Determining current and future employment opportunities and requirements;

(5) Making recommendations to help provide for experienced and knowledgeable instructors; and

(6) Providing support for the entire vocational education program.

NEW SECTION. Sec. 818. A school district shall only be eligible to receive funds to upgrade or to acquire equipment for vocational education programs if the district in consultation with the local advisory council has developed a vocational education program improvement component within their plan. The improvement component shall describe: Methods for strengthening vocational education; business and industry partnerships; the potential to aid local economic development; staff training; the need for extended or supplemental contracts for specific certificated instructional staff in vocational programs; job placement; consistency with the state plan for vocational education; and the basic skills and core competencies required for successful employment. In developing the plan, coordination with community colleges, business and industry, and other school districts, educational service districts, interdistrict cooperatives, skills centers, and public vocational technical institutes shall be considered. The plan shall be revised at least once every two years.

NEW SECTION. Sec. 819. The entity in the state of Washington qualifying as the entity for the receipt of federal funds shall, with available funds, provide technical assistance to local vocational education advisory committees.

NEW SECTION. Sec. 820. Each vocational agriculture education service area shall encourage greater student and teacher knowledge of environmentally sensitive and low-input agricultural and landscaping practices, water conservation, and agricultural worker protections.

NEW SECTION. Sec. 821. A new section is added to chapter 28B.10 RCW to read as follows:

In developing admission standards, each four-year institution of higher education shall recognize the relevance of vocational education courses and the competencies taught in such courses and shall make every effort to designate applicable vocational education courses as course equivalencies.

Sec. 822. RCW 28B.80.350 and 1988 c 172 s 4 are each amended to read as follows:

The board shall coordinate educational activities among all segments of higher education taking into account the educational programs, facilities, and other resources of both public and independent two and four-year colleges and universities. The four-year institutions and the state board for community college education shall coordinate information and activities with the board. The board shall have the following additional responsibilities:

(1) Promote interinstitutional cooperation;

(2) Establish minimum admission standards for four-year institutions, including a requirement that coursework in sign language shall satisfy any foreign language requirement the board or the institutions may establish as a general undergraduate admissions requirement. The standards shall include recognition of the relevance of vocational education courses and the competencies taught in such courses and the use of vocational education courses having academic equivalencies to meet admission requirements to four-year institutions;

(3) Establish transfer policies;

(4) Adopt rules implementing statutory residency requirements;

(5) Develop and administer reciprocity agreements with bordering states and the province of British Columbia;

(6) Review and recommend compensation practices and levels for administrative employees, exempt under chapter 28B.16 RCW, and faculty using comparative data from peer institutions;

(7) Monitor higher education activities for compliance with all relevant state policies for higher education;

(8) Arbitrate disputes between and among four-year institutions or between and among four-year institutions and community colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the board shall be binding on the participants in the dispute;

(9) Establish and implement a state system for collecting, analyzing, and distributing information;

(10) Recommend to the governor and the legislature ways to remove any economic incentives to use off-campus program funds for on-campus activities; and

(11) Make recommendations to increase minority participation, and monitor and report on the progress of minority participation in higher education.

NEW SECTION. Sec. 823. By November 1, 1992, the higher education coordinating board shall develop recommendations for eliminating or modifying university and college entrance requirements that inhibit schools from adopting strategies that are designed to ensure that students achieve the essential knowledge, skills, and attitudes.

Sec. 824. RCW 28A.230.100 and 1990 c 33 s 239 are each amended to read as follows:

The state board of education shall adopt rules pursuant to chapter 34.05 RCW, to implement the course requirements set forth ~~((in))~~ pursuant to RCW 28A.230.090. Such rules shall include, as the state board deems necessary, granting equivalencies for and temporary exemptions from the course requirements ~~((in RCW 28A.230.090 and special alterations of the course requirements in RCW 28A.230.090))~~ established. In developing such rules the state board shall recognize the relevance of instruction in work force skills through vocational education and applied courses and allow such courses to fulfill in

whole or in part the courses required for graduation (~~in RCW 28A.230.090~~). Such rules may include provisions for competency testing in lieu of such courses required for graduation (~~in~~) pursuant to RCW 28A.230.090.

NEW SECTION. Sec. 825. The legislature finds that the needs of the work force and the economy necessitate enhanced vocational education opportunities in secondary education including curriculum which integrates vocational and academic education. In order for the state's work force to be competitive in the world market, employees need competencies in both vocational and technical skills and in essential subject areas such as English, math, science, technology, geography, history, and critical thinking. Curriculum which integrates vocational and academic education reflects that many students learn best through applied learning, and that students should be offered flexible education opportunities which prepare them for both the world of work and for higher education.

NEW SECTION. Sec. 826. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall develop a model curriculum integrating vocational and academic education at the secondary level. The curriculum shall integrate vocational education for gainful employment with education in the academic subjects of English, math, science, technology, geography, and history, and with education in critical thinking. Upon completion, the model curriculum shall be provided for consideration and use by school districts.

NEW SECTION. Sec. 827. A new section is added to chapter 28A.320 RCW to read as follows:

School districts receiving funds for any of the programs under sections 802 through 821 of this act or RCW 28B.80.350, or for improvements in vocational equipment and the nonemployee-related costs associated with that equipment or for increasing the number of teachers to students in approved secondary vocational programs shall be required to match the funds at fifty percent. The district match may consist of funds under section 1101 of this act.

"PART IX

URBAN SCHOOLS GRANTS"

NEW SECTION. Sec. 901. The superintendent of public instruction shall establish and administer an urban schools grant program to provide eligible school districts an opportunity to apply for state funds that are separate from and in addition to the state funds allocated for the state's basic program of education.

NEW SECTION. Sec. 902. (1) The Seattle, Tacoma, Spokane, Yakima, and Pasco school districts are eligible to apply for an urban schools grant under section 901 of this act.

(2) Districts accepting urban schools grant funds shall be required to match the state funds at fifty percent. The district match may consist of funds under section 1101 of this act.

NEW SECTION. Sec. 903. The eligible school districts interested in applying for funds under the urban schools grant program shall submit a grant application to the superintendent of public instruction. Grant applications shall include the following:

(1) Documentation that the district board of directors has held at least one public hearing regarding the proposed use of the grant funds. The public hearing and other public hearings held by the district may be held as part of the public hearings required pursuant to chapter 28A.505 RCW;

(2) Identified budgeted expenditures for the grant funds. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(3) Documentation that the development of the expenditure plan, prior to the first public hearing, involved teachers, school and district administrators, educational staff

associates and classified personnel, parents, students, and members of the community at-large;

(4) A description of the services, programs, or activities that will be funded, in whole or in part, by the grant funds;

(5) A description of the methods and procedures to be used to evaluate the effectiveness of the services, programs, or activities supported by the grant funds; and

(6) Other information as requested by the superintendent of public instruction.

NEW SECTION. Sec. 904. Grant funds shall be used for purposes identified by the school district in compliance with section 903 of this act. New or existing programs enhanced by funds received under the urban schools grant program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

NEW SECTION. Sec. 905. (1) Each school district receiving funds under the urban schools grant program established under section 901 of this act shall submit biennially to the superintendent of public instruction a report on the district's use of the grant funds and other information required by the superintendent of public instruction. The superintendent of public instruction shall establish the date for submittal of reports.

(2) The superintendent of public instruction shall submit biennially to the legislature a report on the urban schools grant program. The first report shall be submitted not later than December 1, 1992.

NEW SECTION. Sec. 906. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of sections 901 through 905 of this act.

"PART X

SMALL SCHOOLS GRANTS"

NEW SECTION. Sec. 1001. (1) The superintendent of public instruction shall establish and administer a small schools grant program to assist eligible school districts in meeting special needs of the districts.

(2) Funds appropriated by the legislature for the purposes of the small schools grant program and new or existing programs enhanced by funds received under the small schools grant program shall not become a part of the state's basic program of education obligation as set forth under Article IX of the state Constitution.

(3) School districts shall be eligible to apply for additional state funds under the small schools grant program if the school district meets the criteria under section 1002 of this act.

(4) Districts accepting small schools grant funds shall be required to match the state funds at fifty percent. The district match may consist of funds under section 1101 of this act.

NEW SECTION. Sec. 1002. (1) A school district of the second class under RCW 28A.315.230 may apply for funds under the small schools grant program established under section 1001 of this act, to help meet the special needs of the district, if the school district meets all of the criteria in this section:

(a) The median household income is at least twenty percent below the state average;

(b) The number of families receiving aid to families with dependent children exceeds the state-wide average by twenty percent or more;

(c) The number of persons unemployed exceeds the state-wide average by twenty percent;

(d) The assessed valuation of property for excess levy purposes would require a levy rate of more than two dollars per one thousand dollars of valuation to raise a ten percent levy;

(e) The district does not receive federal impact aid in excess of the maximum amount the district would be eligible to raise with a ten percent levy; and

(f) The district does not receive federal forest moneys in excess of their basic education allocation.

(2) If a second class school district is a joint district under RCW 28A.315.350, the criteria under subsection (1) of this section shall be applied based upon the county which comes closest to meeting the criteria under subsection (1) of this section.

NEW SECTION. Sec. 1003. Eligible school districts interested in applying for funds under the grant program established under section 1001 of this act shall submit a grant application to the superintendent of public instruction. Grant applications shall include the following:

(1) Documentation that the district board of directors has held at least one public hearing regarding the proposed use of the grant funds. The public hearing and other public hearings held by the district may be held as part of the public hearings required pursuant to chapter 28A.505 RCW;

(2) Identified budgeted expenditures for the grant funds. The expenditure plan may be included as part of the district's annual budget required under chapter 28A.505 RCW;

(3) Documentation that the development of the expenditure plan prior to the first public hearing involved teachers, school and district administrators, educational staff associates and classified personnel, parents, students, and members of the community at-large;

(4) A description of the services, programs, or activities that will be funded in whole or in part by the grant funds; and

(5) A description of the methods and procedures to be used to evaluate the effectiveness of the services, programs, or activities supported by the grant funds.

NEW SECTION. Sec. 1004. (1) Each school district receiving funds under the grant program established under section 1001 of this act shall submit biennially to the superintendent of public instruction a report on the district's use of the grant funds. The report shall include an assessment of the effectiveness of the services, programs, or activities supported by the grant funds and other information required by the superintendent of public instruction.

(2) The superintendent of public instruction shall establish the date for submittal of reports. The superintendent of public instruction shall work with the eligible districts in developing reporting requirements that do not create excessive paperwork but which provide information necessary for the legislature to evaluate the impact of the grant program on the educational programs of the eligible school districts.

(3) The superintendent of public instruction shall submit biennially to the legislature a report on the grant program established under section 1001 of this act. The first report shall be submitted not later than December 1, 1992.

NEW SECTION. Sec. 1005. The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW to implement sections 1001 through 1004 of this act.

"PART XI FUNDING MATCHING REQUIREMENTS"

NEW SECTION. Sec. 1101. A new section is added to chapter 28A.320 RCW to read as follows:

Districts or schools may use the following fund sources to meet the fifty percent funding matching requirements for sections 402 through 414 of this act, sections 604 through 608 of this act, sections 702 through 710 of this act, sections 802 through 821 of this act, sections 901 through 906 of this act, and sections 1001 through 1005 of this act:

- (1) Local education program enhancement funds appropriated by the legislature;
- (2) The district's regular levy;
- (3) Municipal funds;
- (4) Other nonstate funds; or

(5) Any combination of (1) through (4) of this subsection.

"PART XII

COLLECTIVE BARGAINING"

Sec. 1201. RCW 41.59.020 and 1989 c 11 s 11 are each amended to read as follows:

As used in this chapter:

(1) The term "employee organization" means any organization, union, association, agency, committee, council, or group of any kind in which employees participate, and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(2) The term "collective bargaining" or "bargaining" means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times in light of the time limitations of the budget-making process, and to bargain in good faith in an effort to reach agreement with respect to the wages, hours, and terms and conditions of employment: PROVIDED, That prior law, practice or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which item(s) are mandatory subjects for bargaining and which item(s) are nonmandatory. The following shall not be a subject of collective bargaining:

(a) The school district's policy assuring parental access to the classroom under RCW 28A.605.020; (b) performance pay plans adopted under sections 604 through 608 of this 1991 act; and (c) the schedule of days for students to attend school, as established by the school district board of directors under RCW 28A.150.040.

(3) The term "commission" means the public employment relations commission established by RCW 41.58.010.

(4) The terms "employee" and "educational employee" means any certificated employee of a school district, except:

(a) The chief executive officer of the employer.

(b) The chief administrative officers of the employer, which shall mean the superintendent of the district, deputy superintendents, administrative assistants to the superintendent, assistant superintendents, and business manager. Title variation from all positions enumerated in this subsection (b) may be appealed to the commission for determination of inclusion in, or exclusion from, the term "educational employee".

(c) Confidential employees, which shall mean:

(i) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(ii) Any person who assists and acts in a confidential capacity to such person.

(d) Unless included within a bargaining unit pursuant to RCW 41.59.080, any supervisor, which means any employee having authority, in the interest of an employer, to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment, and shall not include any persons solely by reason of their membership on a faculty tenure or other governance committee or body. The term "supervisor" shall include only those employees who perform a preponderance of the above-specified acts of authority.

(e) Unless included within a bargaining unit pursuant to RCW 41.59.080, principals and assistant principals in school districts.

(5) The term "employer" means any school district.

(6) The term "exclusive bargaining representative" means any employee organization which has:

(a) Been selected or designated pursuant to the provisions of this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Prior to January 1, 1976, been recognized under a predecessor statute as the representative of the employees in an appropriate collective bargaining or negotiations unit.

(7) The term "person" means one or more individuals, organizations, unions, associations, partnerships, corporations, boards, committees, commissions, agencies, or other entities, or their representatives.

(8) The term "nonsupervisory employee" means all educational employees other than principals, assistant principals and supervisors.

Sec. 1202. RCW 41.56.030 and 1989 c 275 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters. In the case of employees of school districts, "collective bargaining" does not include: (a) The schedule of days for students to attend school, as established by the school district board of directors under RCW 28A.150.040; (b) the school district's policy assuring parental access to the classroom under RCW 28A.605.020; or (c) performance pay plans adopted under sections 604 through 608 of this 1991 act.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county of the second class or larger, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

"PART XIII

LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS"

NEW SECTION. Sec. 1301. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall establish a program to provide school districts, from appropriated funds, local education program enhancement funds.

(2) A school district shall be eligible to receive an allocation from appropriated funds if the school district's board of directors has:

(a) Assessed the needs of the schools within the district;

(b) Prioritized the identified needs; and

(c) Developed an expenditure plan for the allocation and an evaluation methodology to assess benefits to students.

(3) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

(a) Prevention and intervention services in the elementary grades;

(b) Reduction of class size;

(c) Early childhood education;

(d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;

(e) Staff development and in-service programs;

(f) Student logical reasoning and analytical skill development;

(g) Programs for highly capable students;

(h) Programs involving students in community services;

(i) Senior citizen volunteer programs;

(j) Those sections under this act requiring a match of local funds to state funds; and

(k) Other purposes that enhance a school district's basic education program.

(4) Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5)(a) Allocations to eligible school districts shall be calculated on the basis of average annual full time equivalent enrollment. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

"PART XIV
MISCELLANEOUS"

NEW SECTION. Sec. 1401. This act may be known and cited as the bringing education home act.

NEW SECTION. Sec. 1402. Part headings used in this act do not constitute part of the law.

Sec. 1403. RCW 84.52.053 and 1987 1st ex.s. c 2 s 103 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 79 and as thereafter amended, at a special or general election to be held in the year in which the levy is made or, in the case of a one-year levy for the purpose of school nurse programs in an amount that does not exceed the sum necessary to provide one school nurse for every two thousand full-time equivalent students in the district which sum shall not be used to determine the levy limitations under RCW 84.52.0531, or in the case of a proposition authorizing two-year levies for maintenance and operation support of a school district or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, or both, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for maintenance and operation support of a school district for a two year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 1404. RCW 84.52.0531 and 1990 c 33 s 601 are each amended to read as follows:

Except as provided for in RCW 84.52.053 for one-year levies for school nurse programs, the maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For the purpose of this section, the basic education allocation shall be determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350: PROVIDED, That when determining the basic education allocation under subsection (4) of this section, nonresident full time equivalent pupils who are participating in a program provided for in chapter 28A.545 RCW or in any other program pursuant to an interdistrict agreement shall be included in the enrollment of the resident district and excluded from the enrollment of the serving district.

(2) For the purposes of subsection (5) of this section, a base year levy percentage shall be established. The base year levy percentage shall be equal to the greater of: (a) The district's actual levy percentage for calendar year 1985, (b) the average levy percentage for all school district levies in the state in calendar year 1985, or (c) the average levy percentage for all school district levies in the educational service district of the district in calendar year 1985.

(3) For excess levies for collection in calendar year 1988 and thereafter, the maximum dollar amount shall be the total of:

(a) The district's levy base as defined in subsection (4) of this section multiplied by the district's maximum levy percentage as defined in subsections (5) and (6) of this section; plus

(b) In the case of nonhigh school districts only, an amount equal to the total estimated amount due by the nonhigh school district to high school districts pursuant to chapter 28A.545 RCW for the school year during which collection of the levy is to commence, less the increase in the nonhigh school district's basic education allocation as computed pursuant to subsection (1) of this section due to the inclusion of pupils participating in a program provided for in chapter 28A.545 RCW in such computation; less

(c) The maximum amount of state matching funds under RCW 28A.500.010 for which the district is eligible in that tax collection year.

(4) For excess levies for collection in calendar year 1988 and thereafter, a district's levy base shall be the sum of the following allocations received by the district for the prior school year, including allocations for compensation increases, adjusted by the percent increase per full time equivalent student in the state basic education appropriation between the prior school year and the current school year:

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Handicapped education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) State-wide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(5) For levies to be collected in calendar year 1988, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's base year levy percentage as defined in subsection (2) of this section by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the 1987-88 school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in calendar year 1988.

(6) For excess levies for collection in calendar year 1989 and thereafter, a district's maximum levy percentage shall be determined as follows:

(a) Multiply the district's maximum levy percentage for the prior year or thirty percent, whichever is less, by the district's levy base as determined in subsection (4) of this section;

(b) Reduce the amount in (a) of this subsection by the total estimated amount of any levy reduction funds as defined in subsection (7) of this section which are to be allocated to the district for the current school year;

(c) Divide the amount in (b) of this subsection by the district's levy base to compute a new percentage; and

(d) The percentage in (c) of this subsection or twenty percent, whichever is greater, shall be the district's maximum levy percentage for levies collected in that calendar year.

(7) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(8) For the purposes of this section, "prior school year" shall mean the most recent school year completed prior to the year in which the levies are to be collected.

(9) For the purposes of this section, "current school year" shall mean the year immediately following the prior school year.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

NEW SECTION. Sec. 1405. Sections 201 through 204 of this act are each added to chapter 28A.240 RCW.

NEW SECTION. Sec. 1406. Sections 402 through 414 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 1407. Sections 604 through 608 of this act are each added to chapter 28A.400 RCW.

NEW SECTION. Sec. 1408. Sections 609 through 611 of this act are each added to chapter 28A.410 RCW.

NEW SECTION. Sec. 1409. Sections 702 through 710 of this act are each added to chapter 28A.600 RCW.

NEW SECTION. Sec. 1410. Sections 802 through 812, 901 through 906, and 1001 through 1005 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 1411. Sections 816 through 820 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 1412. Section 105 of this act shall take effect September 1, 1992.

NEW SECTION. Sec. 1413. Section 504 of this act shall take effect October 1, 1997.

NEW SECTION. Sec. 1414. Sections 301, 302, 401 through 414, 501 through 503, 601 through 603, 701 through 710, 802 through 822, 901 through 905, 1001 through 1005, 1201, and 1202 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 1415. Sections 401 through 414 of this act shall expire December 31, 1998.

NEW SECTION. Sec. 1416. Sections 601 through 603 of this act shall expire December 31, 1991.

NEW SECTION. Sec. 1417. If specific funding for the purposes of sections 401 through 414 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 401 through 414 of this act shall be null and void.

NEW SECTION. Sec. 1418. If specific funding for the purposes of sections 601 through 603 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 601 through 603 of this act shall be null and void.

NEW SECTION. Sec. 1419. If specific funding for the purposes of sections 604 through 608 of this act, referencing this act by bill and section numbers, is not provided

by June 30, 1991, in the omnibus appropriations act, sections 604 through 608 of this act shall be null and void.

NEW SECTION. Sec. 1420. If specific funding for the purposes of sections 701 through 710 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 701 through 710 of this act shall be null and void.

NEW SECTION. Sec. 1421. If specific funding for the purposes of sections 801 through 821 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 801 through 821 of this act shall be null and void.

NEW SECTION. Sec. 1422. If specific funding for the purposes of sections 901 through 906 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 901 through 906 of this act shall be null and void.

NEW SECTION. Sec. 1423. If specific funding for the purposes of sections 1001 through 1005 of this act, referencing this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 1001 through 1005 of this act shall be null and void.

NEW SECTION. Sec. 1424. If specific funding for the purposes of section 1301 of this act, referencing this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 1301 of this act shall be null and void.

NEW SECTION. Sec. 1425. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "performance;" strike the remainder of the title and insert "amending RCW 28A.605.020, 28A.150.040, 28A.150.230, 28A.225.220, 28A.230.190, 28A.230.230, 28A.230.240, 28A.410.030, 28A.405.220, 28A.410.040, 28A.410.050, 28B.80.350, 28A.230.100, 41.59.020, 41.56.030, 84.52.053, and 84.52.0531; adding a new section to chapter 28A.615 RCW; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.240 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.230 RCW; adding new sections to chapter 28A.400 RCW; adding new sections to chapter 28A.410 RCW; adding new sections to chapter 28A.600 RCW; adding new sections to chapter 28A.630 RCW; adding new sections to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28C RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. G. Fisher moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1023 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Peery, G. Fisher and Brough as conferees on Engrossed Substitute House Bill No. 1023.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 56.08.100 and 1981 c 190 s 5 are each amended to read as follows:

A sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A sewer district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 2. RCW 56.08.140 and 1967 c 178 s 3 are each amended to read as follows:

No such lease shall be made unless secured by a bond conditioned on the performance of the terms of the lease, with surety satisfactory to the commissioners, in a penalty of not less than one-sixth of the term of the lease or for one year's rental, whichever is greater; and no such lease shall be made for a term longer than twenty-five years. However, the board of commissioners may require a reasonable security deposit in lieu of a bond on leased real property owned by the water or sewer district.

NEW SECTION. Sec. 3. A new section is added to chapter 56.08 RCW to read as follows:

A district may operate and maintain a park or recreational facilities on real property that it owns or in which it has an interest that is not immediately necessary for its purposes.

If such park or recreational facilities are operated by a person other than the district, including a corporation, partnership, or other business enterprise, the person shall indemnify and hold harmless the district for any injury or damage caused by the action of the person."

Sec. 4. RCW 57.08.010 and 1989 c 389 s 9 and 1989 c 308 s 2 are each reenacted and amended to read as follows:

(1) (a) A water district may acquire by purchase or condemnation, or both, all property and property rights and all water and water rights, both within and without the district, necessary for its purposes.

(b) A water district may lease real or personal property necessary for its purposes for a term of years for which such leased property may reasonably be needed where in the opinion of the board of water commissioners such property may not be needed permanently or substantial savings to the district can be effected thereby.

(c) The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities of the third class, insofar as consistent with the provisions of this title, except that all assessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the water district, and the duties devolving upon the city treasurer are hereby imposed upon the county treasurer.

(d) A water district may construct, condemn and purchase, purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof, and any city or town therein and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer.

(e) A water district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under terms approved by the board of commissioners. Such waterworks may include facilities which result in combined water supply and electric generation, provided that the electricity generated thereby is a byproduct of the water supply system.

(f) Such electricity may be used by the water district or sold to any entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

(g) For such purposes, a water district may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake, river, or watercourse, or any underflowing water and, by means of aqueducts or pipe line conduct the same throughout such water district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district.

(h) For the purpose of constructing or laying aqueducts or pipe lines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such water district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution.

(i) For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a water district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

(2) A water district may purchase and take water from any municipal corporation.

(3) A water district may fix rates and charges for water supplied and may charge property owners seeking to connect to the district's water supply system, as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that such property owners shall bear their equitable share of the cost of such system.

(a) For purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements

required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants.

(b) The connection charge may include interest charges applied from the date of construction of the water system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the water system, or at the time of installation of the water lines to which the property owner is seeking to connect.

(4) (a) A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Such fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer.

(b) Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule.

(5) A district may operate and maintain a park or recreational facilities on real property that it owns or in which it has an interest that is not immediately necessary for its purposes.

(6) If such park or recreational facilities are operated by a person other than the district, including a corporation, partnership, or other business enterprise, the person shall indemnify and hold harmless the district for any injury or damage caused by the action of the person.

Sec. 5. RCW 57.08.100 and 1981 c 190 s 6 are each amended to read as follows:

A water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A water district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 6. RCW 57.08.120 and 1967 ex.s. c 135 s 1 are each amended to read as follows:

A water district may lease out real property which it owns or in which it has an interest and which is not immediately necessary for its purposes upon such terms as the board of water commissioners deems proper: PROVIDED, That no such lease shall be made until the water district has first caused notice thereof to be published twice in a newspaper in general circulation in the water district, the first publication to be at least fifteen days and the second at least seven days prior to the making of such lease, which notice shall describe the property proposed to be leased out, to whom, for what purpose, and the rental to be charged therefor. A hearing shall be held pursuant to the terms of the said notice, at which time any and all persons who may be interested shall have the right to appear and to be heard.

No such lease shall be for a period longer than twenty-five years, and each lease of real property shall be secured by a bond conditioned to perform the terms of such lease with surety satisfactory to the commissioners, in a penalty not less than the rental for one-

sixth of the term: PROVIDED, That the penalty shall not be less than the rental for one year where the term is one year or more. In a lease, the term of which exceeds five years, and when at the option of the commissioners, it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commissioners shall require of the lessee, another or other like bond to be delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease, and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond. However, the board of commissioners may require a reasonable security deposit in lieu of a bond on leased real property owned by a water district.

The commissioners may accept as surety on any bond required by this section, either an approved surety company or one or more persons satisfactory to the commissioners, or in lieu of such bond may accept a deposit as security of such property or collateral or the giving of such other form of security as may be satisfactory to the commissioners.

NEW SECTION. Sec. 7. A new section is added to chapter 57.08 RCW to read as follows:

A water district may adopt a water conservation plan and emergency water use restrictions. The district may enforce a water conservation plan and emergency water use restrictions by imposing a fine as provided by resolution for failure to comply with any such plan or restrictions. The commissioners may provide by resolution that if a fine for failure to comply with the water conservation plan or emergency water use restrictions is delinquent for a specified period of time, the district shall certify the delinquency to the treasurer of the county in which the real property is located and serve notice of the delinquency on the subscribing water customer who fails to comply, and the fine is then a separate item for inclusion on the bill of the party failing to comply with the water conservation plan or emergency water use restrictions.

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 56.08.100, 56.08.140, 57.08.100, and 57.08.120; reenacting and amending RCW 57.08.010; adding a new section to chapter 56.08 RCW; and adding a new section to chapter 57.08 RCW."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1031. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1031 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1031 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

Engrossed Substitute House Bill No. 1031 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1052 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 74.04.005 and 1990 c 285 s 2 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"--Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"--The department of social and health services.

(3) "County or local office"--The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)(a) "General assistance"--Aid to persons in need who:

(i) Are not eligible to receive federal-aid assistance, other than food stamps and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for general assistance;

(ii) Are either:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal aid to families with dependent children program: PROVIDED FURTHER, That during any period in which an aid for dependent children employable program is not in operation, only those pregnant women who are categorically eligible for medicaid are eligible for general assistance; or

(B) Incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of sixty days as determined by the department. Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug-related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. This subsection (6)(a)(ii)(B) shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal-aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of aid to families with dependent children whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(e) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding

incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(f) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and ((who)) are not eligible to receive benefits under the federal aid to families with dependent children program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal aid to families with dependent children program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(7) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(8) "Recipient"--Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(9) "Standards of assistance"--The level of income required by an applicant or recipient to maintain a level of living specified by the department.

(10) "Resource"--Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as a resource which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as a resource which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient, as limited by the department consistent with limitations on resources and exemptions for federal aid assistance.

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed one thousand five hundred dollars.

(d) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance.

(e) Applicants for or recipients of general assistance may retain the following described resources in addition to exemption for a motor vehicle or home and not be ineligible for public assistance because of such resources:

(i) Household furnishings, personal effects, and other personal property having great sentimental value to the applicant or recipient;

(ii) Term and burial insurance for use of the applicant or recipient;

(iii) Life insurance having a cash surrender value not exceeding one thousand five hundred dollars; and

(iv) Cash, marketable securities, and any excess of values above one thousand five hundred dollars equity in a vehicle and above one thousand five hundred dollars in cash surrender value of life insurance, not exceeding one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more. The one thousand dollar limit in subsection (10)(d) of this section does not apply to recipients of or applicants for general assistance.

(f) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property ~~((, but the recipient must sign an agreement to dispose of the property and repay assistance payments made to the date of disposition of the property which would not have been made had the disposal occurred at the beginning of the period for which the payments of such assistance were made. In no event shall such amount due the state exceed the net proceeds otherwise available to the recipient from the disposition, unless after nine months from the date of the agreement the property has not been sold, or if the recipient's eligibility for financial assistance ceases for any other reason. In these two instances the entire amount of assistance paid during this period will be treated as an overpayment and a debt due the state, and may be recovered pursuant to RCW 43.20B.630))~~; PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(11) "Income"--(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In determining the amount of assistance to which an applicant or recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements. The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter, the department shall define income and resources and the availability thereof, consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use

of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(12) "Need"--The difference between the applicant's or recipient's standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his family.

(13) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(14) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

Sec. 2. RCW 74.04.055 and 1979 c 141 s 298 are each amended to read as follows:

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the secretary shall issue such rules and regulations as may become necessary to entitle this state to participate in federal grants-in-aid, goods, commodities and services unless the same be expressly prohibited by this title. Any section or provision of this title which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to satisfy federal laws entitling this state to receive federal matching or other funds for the various programs of public assistance. If any part of this chapter is found to be in conflict with federal requirements which are a prescribed condition to the receipts of federal funds to the state, the conflicting part of this chapter is hereby inoperative solely to the extent of the conflict with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter.

Sec. 3. RCW 74.04.500 and 1979 c 141 s 322 are each amended to read as follows:

The department of social and health services is authorized to establish a food stamp program under the federal food stamp act of ((1964)) 1977, as amended.

Sec. 4. RCW 74.04.515 and 1969 ex.s. c 172 s 7 are each amended to read as follows:

In ~~((determining eligibility for purchase of))~~ administering the food stamp((s)) program, there shall be no discrimination against any ~~((household))~~ applicant or recipient by reason of age, sex, handicap, religious creed, political beliefs, race, color, or national origin.

NEW SECTION. Sec. 5. The legislature establishes as state policy the goal of economic self-sufficiency for employable recipients of public assistance, through employment, training, and education. In furtherance of this policy, the legislature intends to comply with the requirements of the federal social security act, as amended, by creating a job opportunities and basic skills training program for applicants and recipients of aid to families with dependent children. The purpose of this program is to provide recipients of aid to families with dependent children the opportunity to obtain a full range of necessary education, training, skills, and supportive services, including child care, consistent with their needs, that will help them enter or reenter gainful employment, thereby avoiding long-term welfare dependence and achieving economic self-sufficiency.

The program shall be operated by the department of social and health services in conformance with federal law and consistent with the following legislative findings:

(1) The legislature finds that the well-being of children depends not only on meeting their material needs, but also on the ability of parents to become economically self-sufficient. The job opportunities and basic skills training program is specifically directed at increasing the household earnings of aid to families with dependent children recipients, through the removal of barriers preventing them from achieving self-sufficiency. These barriers include, but are not limited to, the lack of supportive services such as affordable and reliable child care, adequate transportation, appropriate counseling, and necessary job-related tools, equipment, books, clothing, and supplies, the absence of basic literacy skills, the lack of educational attainment sufficient to meet labor market demands for career employees, and the nonavailability of useful labor market assessments.

(2) The legislature also recognizes that aid to families with dependent children recipients must be acknowledged as active participants in self-sufficiency planning under the program. The legislature finds that the department of social and health services should communicate concepts of personal empowerment, self-motivation, and self-esteem to program participants. The legislature further recognizes that informed choice is consistent with individual responsibility, and that parents should be given a range of options for available child care while participating in the program.

(3) The legislature finds that education, including, but not limited to, literacy, high school equivalency, vocational, secondary, and postsecondary, is one of the most important tools an individual needs to achieve full independence, and that this should be an important component of the program.

(4) The legislature further finds that the objectives of this program are to assure that aid to families with dependent children recipients achieve financial stability and an adequate standard of living at wages that will meet family needs.

NEW SECTION. Sec. 6. (1) The department of social and health services is authorized to contract with public and private employment and training agencies and other public service entities to provide services prescribed or allowed under the federal social security act, as amended, to carry out the purposes of the jobs training program. The department of social and health services has sole authority and responsibility to carry out the job opportunities and basic skills training program. No contracting entity shall have the authority to review, change, or disapprove any administrative decision, or otherwise substitute its judgment for that of the department of social and health services as to the application of policies and rules adopted by the department of social and health services.

(2) To the extent feasible under federal law, the department of social and health services and all entities contracting with it shall give first priority of service to individuals volunteering for program participation.

(3) The department of social and health services shall adopt rules under chapter 34.05 RCW establishing criteria constituting circumstances of good cause for an individual failing or refusing to participate in an assigned program component, or failing or refusing to accept or retain employment. These criteria shall include, but not be limited to, the following circumstances: (a) If the individual is a parent or other relative personally providing care for a child under age six years, and the employment would require the individual to work more than twenty hours per week; (b) if child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department of social and health services fails to provide such care; (c) the employment would result in the family of the participant experiencing a net loss of cash income; or (d) circumstances that are beyond the control of the individual's household, either on a short-term or on an ongoing basis.

(4) The department of social and health services shall adopt rules under chapter 34.05 RCW as necessary to effectuate the intent and purpose of this chapter.

NEW SECTION. Sec. 7. Any section or provision of law dealing with the job opportunities and basic skills training program that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling the state to receive federal funds.

NEW SECTION. Sec. 8. If any part of this chapter shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agency directly affected, and such finding or determination shall not affect the operation of the remainder of this chapter and its application to the agency concerned.

NEW SECTION. Sec. 9. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 5 through 9 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

- (1) RCW 74.04.390 and 1979 c 141 s 315, 1963 c 228 s 6, & 1961 c 269 s 2;
- (2) RCW 74.04.400 and 1979 c 141 s 316, 1963 c 228 s 7, & 1961 c 269 s 3;
- (3) RCW 74.04.410 and 1979 c 141 s 317, 1963 c 228 s 8, & 1961 c 269 s 4;
- (4) RCW 74.04.420 and 1979 c 141 s 318, 1963 c 228 s 9, & 1961 c 269 s 5;
- (5) RCW 74.04.430 and 1987 c 185 s 39, 1979 c 141 s 319, 1963 c 228 s 10, & 1961 c 269 s 6;
- (6) RCW 74.04.440 and 1963 c 228 s 11 & 1961 c 269 s 7;
- (7) RCW 74.04.450 and 1963 c 228 s 12;
- (8) RCW 74.04.460 and 1963 c 228 s 13;
- (9) RCW 74.04.470 and 1979 c 141 s 320 & 1963 c 228 s 14;
- (10) RCW 74.04.473 and 1983 1st ex.s. c 41 s 41;
- (11) RCW 74.04.477 and 1983 1st ex.s. c 41 s 42;
- (12) RCW 74.04.505 and 1969 ex.s. c 172 s 5;
- (13) RCW 74.22.010 and 1969 c 14 s 1;
- (14) RCW 74.22.020 and 1979 c 141 s 372 & 1969 c 14 s 2;
- (15) RCW 74.22.030 and 1969 c 14 s 3;
- (16) RCW 74.22.040 and 1969 c 14 s 4;
- (17) RCW 74.22.050 and 1979 c 141 s 373 & 1969 c 14 s 5;
- (18) RCW 74.22.060 and 1969 c 14 s 6;
- (19) RCW 74.22.070 and 1979 c 141 s 374 & 1969 c 14 s 7;
- (20) RCW 74.22.080 and 1969 c 14 s 8;
- (21) RCW 74.22.090 and 1969 c 14 s 9;
- (22) RCW 74.22.100 and 1979 c 141 s 375 & 1969 c 14 s 10;
- (23) RCW 74.22.110 and 1979 c 141 s 376 & 1969 c 14 s 11;
- (24) RCW 74.22.120 and 1969 c 14 s 12;
- (25) RCW 74.23.005 and 1969 c 15 s 1;
- (26) RCW 74.23.010 and 1969 c 15 s 2;
- (27) RCW 74.23.020 and 1979 c 141 s 377 & 1969 c 15 s 3;
- (28) RCW 74.23.030 and 1969 c 15 s 4;
- (29) RCW 74.23.040 and 1979 c 141 s 378 & 1969 c 15 s 5;
- (30) RCW 74.23.050 and 1969 c 15 s 6;
- (31) RCW 74.23.060 and 1969 c 15 s 7;
- (32) RCW 74.23.070 and 1979 c 141 s 379 & 1969 c 15 s 8;
- (33) RCW 74.23.080 and 1969 c 15 s 9;
- (34) RCW 74.23.090 and 1969 c 15 s 10;

(35) RCW 74.23.100 and 1969 c 15 s 11;

(36) RCW 74.23.110 and 1979 c 141 s 380 & 1969 c 15 s 12;

(37) RCW 74.23.120 and 1979 c 141 s 381 & 1969 c 15 s 13; and

(38) RCW 74.23.900 and 1969 c 15 s 14.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 2 of the title, after "statutes;" strike the remainder of the title and insert "amending RCW 74.04.005, 74.04.055, 74.04.500, and 74.04.515; adding a new chapter to Title 74 RCW; creating a new section; and repealing RCW 74.04.390, 74.04.400, 74.04.410, 74.04.420, 74.04.430, 74.04.440, 74.04.450, 74.04.460, 74.04.470, 74.04.473, 74.04.477, 74.04.505, 74.22.010, 74.22.020, 74.22.030, 74.22.040, 74.22.050, 74.22.060, 74.22.070, 74.22.080, 74.22.090, 74.22.100, 74.22.110, 74.22.120, 74.23.005, 74.23.010, 74.23.020, 74.23.030, 74.23.040, 74.23.050, 74.23.060, 74.23.070, 74.23.080, 74.23.090, 74.23.100, 74.23.110, 74.23.120, and 74.23.900."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Leonard moved that the House do concur in the Senate amendments to Substitute House Bill No. 1052. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1052 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1052 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

Substitute House Bill No. 1052 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1142 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 20.01.010 and 1989 c 354 s 37 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. ~~((When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.))~~

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession

or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt ~~((in))~~ with in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(18) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(19) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

(20) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(21) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

Sec. 2. RCW 60.13.010 and 1987 c 148 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Agricultural product((7))" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW 60.13.020, "agricultural product" means horticultural, viticultural, aquacultural, or berry products, hay and straw, milk and milk products, or turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(2) "Conditioner," "consignor," "person," (~~"processor,"~~) and "producer" have the meanings defined in RCW 20.01.010.

~~((2))~~ (3) "Delivers" means that a producer completes the performance of all contractual obligations with reference to the transfer of actual or constructive possession or control of an agricultural product to a processor or conditioner or preparer, regardless of whether the processor or conditioner or preparer takes physical possession.

(4) "Preparer" means a person engaged in the business of feeding livestock or preparing livestock products for market.

~~((3))~~ (5) "Processor" means any person, firm, company, or other organization that purchases agricultural products except milk and milk products from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale, or that purchases or markets milk from a dairy producer and is obligated to remit payment to such dairy producer directly.

(6) "Commercial fisherman" means a person licensed to fish commercially for or to take food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

~~((4))~~ (7) "Fish" means food fish or shellfish or steelhead legally caught pursuant to executive order, treaty right, or federal statute.

On page 1, line 1 of the title, after "liens;" strike the remainder of the title and insert "and amending RCW 20.01.010 and 60.13.010."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendments to Substitute House Bill No. 1142. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1142 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1142 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

Substitute House Bill No. 1142 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1194 with the following amendments:

On page 11, line 21, after "district," insert "it shall, within sixty days, be filled by appointment of a district voter by a vote of the remaining members of the governing body. If the governing body fails to fill the vacancy within the sixty-day period,"

On page 11, line 23, after "shall" strike "appoint a district voter to" and insert "((appoint a district voter to)) make the appointment. If the number of vacancies is such that there is not a majority of the full number of members of the governing body in office as fixed by law, the county legislative authority of the county in which all, or the largest portion, of the district is located shall appoint a district voter to fill each vacancy, within thirty days of each vacancy, that is sufficient to create a majority as prescribed by law. An appointee shall"

On page 19, after line 2, insert the following:

Sec. 18. RCW 29.18.022 and 1987 c 110 s 1 are each amended to read as follows:

The names of all candidates for partisan office, for the office of superintendent of public instruction, for public utility district office, and for all judicial offices shall be rotated in each precinct in the manner specified by RCW 29.30.040, 29.30.340, and 29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the last day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with RCW 29.18.045(2), determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) For the purposes of this section and RCW 29.18.045, "filing officer" means the officer with whom declarations of candidacy for an office must be filed.

Renumber the sections consecutively and correct internal references accordingly.

On page 19, after line 6, insert the following:

NEW SECTION. Sec. 20. A new section is added to chapter 56.12 RCW to read as follows:

(1) An established sewer district having fifty or fewer residents may, by resolution of its board of commissioners, expand the electorate of the district to include:

(a) All persons who hold title to real property within the district; and

(b) Any domestic corporation or domestic partnership that holds title to real property within the district.

(2) Persons described in subsection (1)(a) of this section shall be eligible to vote in a district election if they have held title to real property within the district for a period of at least sixty days preceding the election.

(3) Authorized agents of entities described in subsection (1)(b) of this section shall be eligible to vote in a district election if the entity has held title to real property within the district for a period of at least sixty days preceding the election. Any entity described in subsection (1)(b) of this section shall be entitled to one vote, which may be cast by the authorized agent of the entity if they submit their instrument of authority with the county auditor accompanying their request for a district absentee ballot at least thirty days prior to the date of any district election.

(4) Persons and authorized agents of entities described in subsection (1) of this section shall vote by requesting an absentee district ballot from the auditor of the county in which all or most of the district is located. Such request must be presented to or received by the county auditor at least thirty days prior to the election. The county auditor may require evidence of eligibility to vote.

(5) Persons and authorized agents of entities described in subsection (1) of this section are eligible to seek the office of district commissioner if they have held title to property in the district for at least sixty days at the time of the filing of their declaration of candidacy. Representatives of entities described in subsection (1)(b) of this section must file an instrument recognizing their authority to represent the entity with their declaration of candidacy. The county auditor may require evidence of eligibility to file the declaration of candidacy.

(6) Persons and authorized agents of entities described in subsection (1) of this section may cast votes and be eligible to hold district office only so long as the resident population of the district is fifty or fewer residents. If the number of residents within the district increases to more than fifty residents, the commissioner position or positions held by nonresident electors shall be deemed vacant and shall be filled in the manner provided in RCW 56.12.020.

NEW SECTION. Sec. 21. A new section is added to chapter 56.12 RCW to read as follows:

A sewer district that expands its electorate under the provisions of section 20 of this act shall prepare and maintain a list of presumed eligible voters. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish their authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish their authority to vote. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or most of the special district is located.

NEW SECTION. Sec. 22. A new section is added to chapter 57.12 RCW to read as follows:

(1) An established water district having fifty or fewer residents may, by resolution of its board of commissioners, expand the electorate of the district to include:

(a) All persons who hold title to real property within the district; and

(b) Any domestic corporation or domestic partnership that holds title to real property within the district.

(2) Persons described in subsection (1)(a) of this section shall be eligible to vote in a district election if they have held title to real property within the district for a period of at least sixty days preceding the election.

(3) Authorized agents of entities described in subsection (1)(b) of this section shall be eligible to vote in a district election if the entity has held title to real property within the district for a period of at least sixty days preceding the election. Any entity described in subsection (1)(b) of this section shall be entitled to one vote, which may be cast by the authorized agent of the entity if they submit their instrument of authority with the county auditor accompanying their request for a district absentee ballot at least thirty days prior to the date of any district election.

(4) Persons and authorized agents of entities described in subsection (1) of this section shall vote by requesting an absentee district ballot from the auditor of the county in which all or most of the district is located. Such request must be presented to or received by the county auditor at least thirty days prior to the election. The county auditor may require evidence of eligibility to vote.

(5) Persons and authorized agents of entities described in subsection (1) of this section are eligible to seek the office of district commissioner if they have held title to property in the district for at least sixty days at the time of the filing of their declaration of candidacy. Representatives of entities described in subsection (1)(b) of this section must file an instrument recognizing their authority to represent the entity with their declaration of candidacy. The county auditor may require evidence of eligibility to file the declaration of candidacy.

(6) Persons and authorized agents of entities described in subsection (1) of this section may cast votes and be eligible to hold district office only so long as the resident population of the district is fifty or fewer residents. If the number of residents within the district increases to more than fifty residents, the commissioner position or positions held by nonresident electors shall be deemed vacant and shall be filled in the manner provided in RCW 57.12.020.

NEW SECTION. Sec. 23. A new section is added to chapter 57.12 RCW to read as follows:

A water district that expands its electorate under the provisions of section 22 of this act shall prepare and maintain a list of presumed eligible voters. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons. Whenever such a list is prepared, the district

shall attempt to notify each owner of the requirements necessary to establish their authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish their authority to vote. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or most of the special district is located.

On page 19, after line 6, insert the following:

Sec. 20. RCW 85.05.410 and 1985 c 396 s 39 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: **PROVIDED**, That such compensation shall not exceed ~~((three))~~ four thousand eight hundred dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 21. RCW 85.06.380 and 1985 c 396 s 43 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners shall receive as compensation up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: **PROVIDED**, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including ((his)) subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Sec. 22. RCW 85.08.320 and 1986 c 278 s 32 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ~~((twenty-five))~~ fifty dollars for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors: **PROVIDED**, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of

construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Sec. 23. RCW 85.24.080 and 1985 c 396 s 54 are each amended to read as follows:

The members of the board shall receive as compensation up to ((twenty-five)) fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year: PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

On page 1, line 3 of the title, after "85.38.130," strike "and" and on line 4, after "85.38.180" insert ", 85.05.410, 85.06.380, 85.08.320, and 85.24.080"

On page 1, line 3 of the title, after "85.38.130," strike "and 85.38.180" and insert "85.38.180, and 29.18.022"

On page 1, line 5 of the title, after "85.08 RCW;" insert "adding new sections to chapter 56.12 RCW; adding new sections to chapter 57.12 RCW;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Ms. Haugen: I would ask for a ruling on the scope and objection of the amendments.

With consent of the House, further consideration of Substitute House Bill No. 1194 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1993. Any bill enacted

during the 1991 legislative session requiring expenditure from a transportation related fund or account that was not heard by either of the respective transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State		
Appropriation	..... \$	398,000
Highway Safety Fund--Federal		
Appropriation	..... \$	4,887,000
TOTAL APPROPRIATION	..... \$	5,285,000

\$50,000 of the highway safety fund--federal appropriation, or as much thereof as may be necessary, is appropriated solely for pilot projects identified by the department of licensing and to be used in conducting an evaluation of driver education and improvement courses mandated in section 10 of this act. The commission staff shall help conduct the study and shall work in conjunction with the department of licensing.

NEW SECTION. Sec. 3. FOR THE TRAFFIC SAFETY COMMISSION

The sum of \$900,000, or as much thereof as may be necessary, is appropriated from the public safety and education account to the traffic safety commission solely to continue the DWI task force program. This appropriation represents seventy-five percent of the requested state funding and funding will be reduced twenty-five percent per biennium thereafter. It is the intent of the legislature that the commission seek funding from sources other than the state.

NEW SECTION. Sec. 4. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State		
Appropriation	..... \$	185,000
No more than \$80,000 may be expended for attorney general fees.		

NEW SECTION. Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION

BOARD		
Motor Vehicle Fund--County Arterial Preservation		
Account--State Appropriation	..... \$	22,427,000
Motor Vehicle Fund--Rural Arterial Trust Account--		
State Appropriation	..... \$	37,413,000
Motor Vehicle Fund--State Appropriation	..... \$	1,190,000
TOTAL APPROPRIATION	..... \$	61,030,000

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

NEW SECTION. Sec. 6. FOR THE TRANSPORTATION IMPROVEMENT

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

(1) Up to \$6,000,000 of the transportation improvement account--state appropriation is provided for reimbursement to the motor vehicle fund when the department of transportation incurs expenditures on approved transportation improvement account construction projects on the state highway system.

(2) The legislative transportation committee shall evaluate methods to improve legislative oversight of transportation improvement account projects.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--FIELD OPERATIONS

BUREAU		
General Fund--Public Safety and Education Account--		

State Appropriation	..... \$	5,199,000
Motor Vehicle Fund--State Patrol Highway Account--		
State Appropriation	..... \$	131,301,000
Motor Vehicle Fund--State Patrol Highway Account--		
Federal Appropriation	.....	3,033,000
TOTAL APPROPRIATION	..... \$	139,533,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund--state patrol highway account--state appropriation in this section includes \$5,404,000 for sixty additional traffic troopers. The sixty officers shall be phased in during the 1991-93 biennium. The moneys provided are for training classes beginning in July 1991, January 1992, and July 1992.

(2) The Washington state patrol, department of revenue, and the office of financial management shall report annually to the legislative transportation committee on the number of vehicle license fraud cases investigated, the amount of tax dollars identified as not being paid, and the total collection of vehicle license tax dollars collected as a result of this program.

(3) From May 1, to December 1, 1991, the Washington state patrol, in cooperation with the trucking and shipping industries, the state department of transportation, the Seattle and Tacoma port authorities, the state transportation policy plan's freight mobility subcommittee, and other interested parties shall enter into a pilot project aimed at identifying the number of containers transported by truck that exceed the legal load limitations of chapter 46.44 RCW. The purpose of the study is to assess the amount of pavement damage to state highways that may be attributable to containerized cargo moving by truck into and out of the ports within the state of Washington.

Washington state patrol employees shall weigh trucks carrying containers to and from the ports of Tacoma and Seattle during the pilot project. If an illegal load is identified at the weighing site, no citation will be issued. However, operators transporting overweight loads will be advised of the penalties for transporting the load on public highways.

During the pilot project, the state patrol shall:

(a) Periodically meet with representatives of the trucking and shipping industries, the state department of transportation, the ports of Seattle and Tacoma, the state transportation policy plan's freight mobility subcommittee, and other interested parties to review the data collected and discuss possible recommendations for consideration by the legislative transportation committee;

(b) Contact the California and Oregon state agencies that are responsible for truck weight enforcement in an attempt to address the issue on a regional basis; and

(c) Submit, upon request, progress reports to the legislative transportation committee on data collection, recommendations, and regional cooperation.

The state patrol shall submit a final report with its findings and recommendations to the legislative transportation committee by January 15, 1992.

(4) By January 1, 1992, the state patrol shall establish written and formal agreements with all counties for which traffic-related services are provided by the state patrol. Such agreements will establish the extent of nonreimbursed state patrol traffic-related services to be fatal accident, injury accident, and emergency call responses. The agreements shall establish provisions for local reimbursement of the state patrol for other services.

(5) Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 8. FOR THE STATE PATROL--SUPPORT SERVICES BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 52,914,000
 \$300,000 of the motor vehicle fund--state appropriation in this section is provided solely for the development and implementation of the state patrol's incorporation into the transportation executive information system and of this amount, \$100,000 of the appropriation is for services to be provided by the department of transportation.

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--State Appropriation	\$	47,055,000
Motor Vehicle Fund--Local Appropriation	\$	50,000
General Fund--Marine Fuel Tax Refund Account-- State Appropriation	\$	25,000
General Fund--Wildlife Account--State Appropriation	\$	502,000
TOTAL APPROPRIATION	\$	47,632,000

(1) The legislature recognizes the need to address issues remaining unresolved from the 1991 title and registration study required by the legislature and the governor. The intent of the legislature is to better align the fee structure with the costs associated with providing services for the state. Evidence from the 1991 study indicates inequities exist in cost recovery and/or profits realized between large and small county auditors and their subagents. Further, no policy exists regarding how counties treat excess revenues generated from providing this service. The Washington association of counties, the Washington association of county officials, representatives of the subagents, and the department of licensing, under the direction of the legislative transportation committee, shall report to the legislative transportation committee by December 1, 1991, their recommendations for resolving these policy issues and inequities.

(2) Up to \$50,000 of the motor vehicle fund--local appropriation is provided for a study of motor vehicle excise, business and occupation, and sales and use taxes on rental vehicle fleets. The study is to be paid for by the private sector. Study results are due by January 1, 1993, with an interim report due January 1, 1992, to the legislative transportation committee. The department of licensing is to work jointly with the department of revenue and the department of transportation, appropriate legislative committees, representatives from rental agencies, and other interested parties.

(3) \$80,000 of the motor vehicle fund--state appropriation is provided solely to implement House Bill No. 1878. If House Bill No. 1878 is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(4) \$23,000 of the motor vehicle fund--state appropriation is provided solely to implement House Bill No. 1995. If House Bill No. 1995 is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(5) \$25,000 of the general fund--marine fuel tax refund account--state appropriation is provided solely for the department to conduct the marine fuel use study, as authorized by RCW 43.99.030, to determine the appropriate amount of motor vehicle funds available for deposit into the outdoor recreation account. The results of the study shall be forwarded to the legislative transportation committee, the state treasurer, and the office of financial management.

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account-- State Appropriation	\$	4,388,000
Highway Safety Fund--State Appropriation	\$	49,060,000
Highway Safety Fund--Motorcycle Safety Education Account-- State Appropriation	\$	884,000
TOTAL APPROPRIATION	\$	54,332,000

(1) The department, in conjunction with the traffic safety commission, shall conduct a study of its driver improvement program and submit the results of the review by December 1, 1991, to the legislative transportation committee. The study will critique the current curriculum of the driver improvement program, review the curriculum of high school driver education, and take a comprehensive look at all other types of traffic safety courses. The department shall report by August 1, 1991, on any traffic safety improvement courses identified as potential pilot projects and shall present a progress report on the study.

(2) \$684,000 of the highway safety fund--state appropriation is provided solely to implement Substitute House Bill No. 1324. If Substitute House Bill No. 1324 is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--State	
Appropriation	\$ 47,000
Highway Safety Fund--State Appropriation	\$ 4,796,000
Highway Safety Fund--Motorcycle	
Safety Education Account--State	
Appropriation	\$ 95,000
Motor Vehicle Fund--State Appropriation	\$ 4,424,000
General Fund--Public Safety and Education Account--	
State Appropriation	\$ 418,000
TOTAL APPROPRIATION	\$ 9,780,000

The department shall create an information technology review board. The board shall be responsible for adopting policies dealing with an agency-wide systems architecture, acquisition procedures, and systems development review process.

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State	
Appropriation	\$ 56,000
Highway Safety Fund--State Appropriation	\$ 3,506,000
Highway Safety Fund--Motorcycle Safety Education	
Account--State Appropriation	
Appropriation	\$ 58,000
Motor Vehicle Fund--State Appropriation	\$ 5,961,000
General Fund--Public Safety and Education Account--	
State Appropriation	\$ 252,000
TOTAL APPROPRIATION	\$ 9,833,000

(1) \$320,000 of the motor vehicle fund--state appropriation is provided solely for the development and implementation of the department of licensing's incorporation into the transportation executive information system and of this amount \$100,000 is for services to be provided by the department of transportation.

(2) \$1,100,000 of the motor vehicle fund--state appropriation is provided solely for the licensing application migration project (LAMP). This appropriation is conditioned upon compliance with the provisions of section 55 of this act.

NEW SECTION. Sec. 13. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Fund--State Appropriation	\$ 3,028,000
General Fund--High Capacity Transportation Account--	
State Appropriation	\$ 550,000
TOTAL APPROPRIATION	\$ 3,578,000

(1) The high capacity transportation account reappropriation provided for in this section is for continuation of the public transportation study described in section 12(4), chapter 298, Laws of 1990.

(2) The appropriation provided for in section 40(3) of this act includes funds to carry out the studies described in section 12 (5) and (6), chapter 298, Laws of 1990: PROVIDED, That the completion dates for both studies shall be June 30, 1993.

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

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--State Appropriation \$ 389,000

NEW SECTION. Sec. 15. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations Account--
State Appropriation \$ 334,000

\$20,000 of this appropriation, or as much thereof as may be necessary, is provided solely to fund an expanded salary survey.

NEW SECTION. Sec. 16. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 1,500,000

The commission's effort within the innovations unit shall include an evaluation of selected transportation technologies and shall specifically address the feasibility of manual or automated buses operating in vehicle sets.

NEW SECTION. Sec. 17. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--State Appropriation \$ 553,000

NEW SECTION. Sec. 18. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Fund--State Appropriation \$ 112,000

The appropriation in this section is null and void if House Bill No. 2140 is not enacted by September 1, 1991.-

NEW SECTION. Sec. 19. FOR THE WASHINGTON STATE ENERGY OFFICE

Motor Vehicle Fund--State Appropriation \$ 203,000

Transportation Fund--State Appropriation \$ 750,000

TOTAL APPROPRIATION \$ 953,000

The appropriations contained in this section are subject to the following conditions and limitations:

(1) \$750,000, or as much thereof as may be necessary, is appropriated from the transportation fund--state to be used for grants to state agencies and local governments, and for planning and coordination by the Washington state energy office, for the establishment of a system of compressed natural gas refueling stations.

(2) \$203,000, or as much thereof as may be necessary, is appropriated from the motor vehicle fund--state solely for the petroleum pricing and supply database. Within the appropriation provided, the energy office shall publish the petroleum market's data book by January 1, 1992. The energy office shall prepare semiannual reports to the legislative transportation committee on gasoline pricing and supply in Washington state. The semiannual reports are due on January 15 and July 15 of each year commencing January 15, 1992.

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF AGRICULTURE

\$209,000, or as much thereof as is necessary, is appropriated from the motor vehicle fund--state solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee commencing January 15, 1992.

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 148,878,000

Motor Vehicle Fund--Federal Appropriation \$ 98,600,000

Motor Vehicle Fund--Local Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ 249,478,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed category "A" program update.

(2) The department shall establish a highway heritage pilot program to preserve Washington's unique scenic character along its highway corridors and provide travelers with a continuing opportunity to appreciate and obtain information regarding unique natural, cultural, and historic features that are near or accessible by highways.

The department's highway heritage pilot program may:

(a) Acquire by purchase, gift, devise, bequest, grant, or exchange, title to or interest or right in real property adjacent to state highways to accomplish any of the following: Preserve natural beauty or viewpoints, preserve natural buffers between highways, or enhance the visual quality of entrances to cities or other land uses;

(b) Work with public and private landowners, local governments, and private organizations and associations to propose actions to achieve the purposes of this section without land acquisition, to the greatest extent possible, including coordination with local land use and open space plans, state agency programs relating to open space, conservation, urban forestry, and natural resources management;

(c) Provide directional signs and signs with information regarding historical or cultural sites and significant natural features;

(d) Work with the parks and recreation commission, the Washington state historical society, the department of trade and economic development, and cities and counties to identify projects, establish priorities for expenditures of funds under this pilot program, and recommend a strategy for implementing an ongoing program and sources of funding.

The department shall report its findings to the legislative transportation committee by December 1, 1992.

The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the motor vehicle fund--state to the department of transportation for the highway heritage pilot program.

The appropriation in this subsection shall lapse unless contributions are received by July 1, 1991, as follows: \$20,000 from the counties; \$10,000 from the cities; and \$10,000 from the department of trade and economic development.

(3) The sum of fifty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, from the motor vehicle fund--state to the department of transportation to complete its survey of the scenic and recreational highways begun in 1990. The department shall report its findings to the legislative transportation committee by December 1, 1991.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation	\$	42,000,000
Motor Vehicle Fund--Federal Appropriation	\$	407,000,000
Motor Vehicle Fund--Local Appropriation	\$	8,000,000
TOTAL APPROPRIATION	\$	457,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) \$42,000,000 of the motor vehicle fund--state appropriation includes a maximum of \$32,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorize the use of

current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) It is the intent of the legislature that the department shall place special emphasis on delivering the HOV projects contained in the document dated March, 1991, entitled "Puget Sound HOV Core Lane Needs: 2000". The department shall report progress on program delivery to the legislative transportation committee by November 1, 1991.

NEW SECTION. Sec. 23. Contained within the appropriations to the department of transportation, programs B and C, is \$202,000,000 for HOV lanes, park and ride lots, and surveillance control and driver information systems that are components of the Puget Sound HOV core lane system.

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation	\$	53,600,000
Transportation Fund--State Appropriation	\$	138,000,000
Motor Vehicle Fund--Federal Appropriation	\$	16,000,000
Motor Vehicle Fund--Local Appropriation	\$	4,000,000
TOTAL APPROPRIATION	\$	211,600,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--Special Category C Account--

State Appropriation	\$	27,000,000
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The appropriation contained in this section is subject to the following conditions and limitations:

(1) It is the intent of the legislature that expenditures for any special category "C" project shall not jeopardize funding for any other special category "C" project.

(2) By October 1, 1991, the department of transportation shall report to the legislative transportation committee on the various stages and funding assumptions on the improvements to SR 18.

(3) Of the \$27,000,000 appropriation contained in this section: Up to \$12,000,000 is provided for SR 18, up to \$11,000,000 is provided for 1st avenue south bridge, and up to \$4,000,000 is provided for the north-south corridor in Spokane: PROVIDED, That the department may transfer moneys between projects after consultation with the legislative transportation committee.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--Puyallup Tribal Settlement		
Account--State Appropriation	\$	3,450,000
Motor Vehicle Fund--Puyallup Tribal Settlement		
Account--Federal Appropriation	\$	2,550,000
TOTAL APPROPRIATION	\$	6,000,000

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation	\$	39,302,000
Motor Vehicle Fund--Transportation Capital Facilities		
Account--State Appropriation	\$	33,149,000
TOTAL APPROPRIATION	\$	72,451,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,700,000 of the transportation capital facilities account--state appropriation is contingent upon the sale of bonds authorized in RCW 47.02.120.

(2) The transportation capital facilities account--state appropriation will be funded by a state treasurer revenue transfer of \$31,449,000 from the motor vehicle fund to the transportation capital facilities account.

(3) No later than August, 1991, the department shall present a comprehensive plan to the legislative transportation committee for creation of an urban mobility office. The plan shall include recommended methods for quantifying reductions in congestion.

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--AERONAUTICS--PROGRAM F

General Fund--Aeronautics Account--State		
Appropriation	\$	3,083,000
General Fund--Aeronautics Account--Federal		
Appropriation	\$	283,000
TOTAL APPROPRIATION	\$	3,366,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program.

The general fund--aeronautics account--state appropriation contains \$100,000 for transfer to the motor vehicle fund--state as partial repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, Cause No. 239168.

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--SEARCH AND RESCUE--PROGRAM F

General Fund--Search and Rescue Account--		
State Appropriation	\$	126,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G

Motor Vehicle Fund--Economic Development Account--		
State Appropriation	\$	5,000,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--NONINTERSTATE BRIDGES--PROGRAM H

Motor Vehicle Fund--State Appropriation	\$	65,200,000
Motor Vehicle Fund--Federal Appropriation	\$	52,400,000
Motor Vehicle Fund--Local Appropriation	\$	1,000,000
TOTAL APPROPRIATION	\$	118,600,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. The appropriations in this section are subject to the following conditions and limitations: \$6,500,000 shall be used for seismic retrofitting

of bridges and \$8,100,000 shall be used for preconstruction and construction of stages 2 through 5 of the Ebey Slough bridge project. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed twenty-year bridge program.

NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M

Motor Vehicle Fund--State Appropriation	\$	215,460,000
Motor Vehicle Fund--Local Appropriation	\$	750,000
TOTAL APPROPRIATION	\$	216,210,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the motor vehicle fund--state appropriation is provided solely for snow and ice removal activities in excess of \$37,100,000. The excess moneys are to be matched with reprioritized maintenance funds of twenty-five percent of the total needed over \$37,100,000 until the \$1,500,000 is matched. The legislative transportation committee must be notified if the resulting total of \$39,100,000 is exceeded.

(2) \$1,000,000 of the motor vehicle fund--state appropriation is provided for public damage repair exceeding \$8,550,000 assumed in the maintenance work plan. Expenditures of this amount are contingent upon consultation with the legislative transportation committee.

(3) The department shall place emphasis on the development and construction of rest areas. The department shall establish criteria for prioritizing rest area construction state-wide. The department shall report the criteria and priority array to the legislative transportation committee by August 1, 1991.

NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--SALES AND SERVICES TO OTHERS--PROGRAM R

Motor Vehicle Fund--State Appropriation	\$	1,370,000
Motor Vehicle Fund--Federal Appropriation	\$	58,400,000
Motor Vehicle Fund--Local Appropriation	\$	8,483,000
TOTAL APPROPRIATION	\$	68,253,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$370,000 of the motor vehicle fund--state appropriation is for expenditure in accordance with RCW 47.56.720 (Puget Island-Westport Ferry--Payments for operation and maintenance to Wahkiakum county).

(2) \$400,000 of the motor vehicle fund--local appropriation is to guarantee bond payments on the Astoria-Megler bridge pursuant to RCW 47.56.646.

NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Transportation Fund--State Appropriation	\$	700,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--State Appropriation	\$	465,000
Motor Vehicle Fund--Puget Sound Ferry Operations		
Account--State Appropriation	\$	885,000
Motor Vehicle Fund--State		
Appropriation	\$	33,770,000
TOTAL APPROPRIATION	\$	35,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,300,000 of the motor vehicle fund--state appropriation is provided for the continuing development of financial management systems.

(2) The legislature directs a joint study to be conducted by the office of financial management, the department of personnel, and the Washington state department of

transportation to determine whether the current services rendered by the department of personnel on issues relating to employee information, and safety and health in the work environment are sufficient. Findings of the study shall be reported to the legislative transportation committee by December 1, 1991, and shall include but not be limited to recommendations as to who is responsible for performing these services.

(3) Up to \$510,000 of the motor vehicle fund--state appropriation in this section is provided to consolidate the equal employment opportunity functions within the department of transportation. The department shall report to the legislative transportation committee regarding implementation of the consolidation by October 1, 1991.

**NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--
PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION--PROGRAM T**

For public transportation and rail programs:

Transportation Fund--State Appropriation	\$	4,395,000
General Fund--Federal/Local Appropriation	\$	5,518,000
General Fund--High Capacity Transportation Account-- State Appropriation	\$	12,140,000

For planning and research:

Motor Vehicle Fund--State Appropriation	\$	17,830,000
Motor Vehicle Fund--Federal Appropriation	\$	9,000,000
TOTAL APPROPRIATION	\$	48,883,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The high capacity transportation account--state appropriation is subject to the following conditions and limitations:

(a) \$9,400,000, or as much thereof as may be necessary, may be expended to provide up to eighty percent matching assistance for regional high capacity transportation planning efforts;

(b) \$415,000, or as much thereof as may be necessary, may be expended to determine the feasibility of improving Amtrak service within the state. The study may include but is not limited to the following:

(i) Improvements to tracks, grade crossings, and signal systems necessary to increase operating speeds. In developing these recommendations, the department shall involve the utilities and transportation commission and other affected state and local agencies;

(ii) Station improvements;

(iii) Resumption of service between Seattle, Washington, and Vancouver, British Columbia;

(iv) New or additional service on other routes for which there is adequate demand and reasonable opportunity for cost recovery; and

(v) Coordination and planning efforts within the state.

The study shall be submitted to the legislative transportation committee by December 1, 1991;

(c) \$500,000 or as much thereof as may be necessary may be expended for freight rail program administration;

(d) \$615,000 or as much thereof as may be necessary may be expended for the expert review panels.

(2) \$300,000 of the motor vehicle fund--state appropriation in section 40(3) of this act, or as much thereof as may be necessary, is provided for a study to be conducted to evaluate the handling, treatment, and disposal of debris collected by accepted stormwater runoff facilities along state highways. This study shall be coordinated with the efforts of the Puget Sound water quality authority and the department of ecology and address at least the following elements:

(a) An assessment of the severity of the problem;

(b) A summary of existing federal, state, and local laws and rules relating to stormwater runoff on state, city, and county roads;

(c) An analysis of the various techniques used by other jurisdictions within and outside of Washington state to address the problem;

(d) A comprehensive analysis of costs for handling, treatment, and disposal of stormwater runoff state-wide and the identification of the responsible jurisdictions and associated funding sources.

A priority list and implementation recommendations, including cost estimates, shall be submitted to the legislative transportation committee by September 1992.

(3) No more than \$2,000,000 of the transportation fund--state appropriation contained in this section may be expended for the purchase of rail rights of ways under RCW 46.76.140: PROVIDED, That such funds expended for the Stampede Pass corridor connecting Ravensdale in King County and Cle Elum in Kittitas County may be expended only for right of way to be used as a transportation or utilities corridor. The department shall confer with the City of Tacoma to develop appropriate restrictions on the use of the right of way designed to protect Tacoma's Green River water supply. This appropriation shall lapse if \$1,100,000 is not reappropriated for the purchase of corridors from the essential rail banking account.

(4) In the event federal funds are not available to fully fund the \$9,000,000 motor vehicle fund--federal appropriation in this section, motor vehicle fund--state funds may be substituted therefor, up to a maximum of \$1,500,000. In no event shall the total expenditures for program T exceed \$48,883,000.

(5) Up to \$750,000 of the high capacity transportation account--state appropriation in this section is provided solely for the Spokane intermodal transportation center. Moneys in this appropriation may be expended only after the Washington state transportation commission has received funding commitments from all other project participants.

(6) \$3,400,000 of the motor vehicle fund--state appropriation is provided for regional transportation planning organizations. This appropriation shall be allocated as follows:

(a) A maximum total of \$1,170,000 shall be allocated to lead planning agencies, based on \$30,000 per county for each county within a regional transportation planning organization;

(b) A maximum of \$2,230,000 shall be allocated to lead planning agencies on a per capita basis.

Any unexpended funds may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Fund--State Appropriation	\$	19,438,361
Motor Vehicle Fund--Puget Sound Ferry Operations		
Account--State Appropriation	\$	2,000,000
TOTAL APPROPRIATION	\$	21,438,361

The appropriations in this section are to provide for costs billed to the department for the services of other state agencies as follows:

- (1) Archives and records management, \$257,763;
- (2) Attorney general tort claims support, \$5,500,000;
- (3) Office of the state auditor audit services, \$883,366;
- (4) Department of general administration facilities and services charges, \$2,597,769;
- (5) Department of personnel services, \$2,368,949;
- (6) Self-insurance liability premium, \$7,220,514 and administration, \$610,000; and
- (7) Marine division self-insurance liability premium and administration, \$2,000,000.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction		
Account--State Appropriation	\$	107,324,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Federal Appropriation	\$	16,937,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Private/Local Appropriation	\$	1,500,000
TOTAL APPROPRIATION	\$	125,761,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided to carry out only the projects in the department of transportation's 1991-93 biennial budget request dated March 1991, as approved by the transportation commission. The department of transportation shall revise these projects to reconcile them with the 1989-91 actual expenditures within sixty days of the beginning of the biennium. The department shall also reevaluate such projects, based on the findings and recommendations of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs, and, if appropriate, make the necessary project revisions, after consultation with the legislative transportation committee, prior to July 1, 1991.

The Puget Sound capital construction account--state appropriation includes the reappropriation of \$18,965,000 and \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

The appropriation in this section contains an amount for prerefurbishment inspections as identified in Recommendation 8 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs.

The Puget Sound capital construction account--state appropriation includes \$1,082,000 to be expended solely for the design of a jumbo class automobile ferry vessel.

The department shall consult the legislative transportation committee regarding the expenditure of moneys appropriated in this section and shall provide the committee with a monthly report concerning the status of the capital program authorized in this section.

\$300,000 of the Puget Sound capital construction account--state appropriation is provided to implement Recommendation Numbers 7 and 19 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. Of that amount \$200,000 is provided for implementing a formal hazardous materials program and \$100,000 is provided for audiogauge steel testing.

The department of transportation shall establish a task force to assess and oversee the implementation of the recommendations contained in the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. The task force shall be comprised of department of transportation management, representatives of Washington state ferry system employee organizations, the shipbuilding industry, the legislative transportation committee, and any other entity or individual as deemed appropriate by the department. The task force shall provide a progress report to the legislative transportation committee by December 1, 1991.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Motor Vehicle Fund--Puget Sound Ferry Operations

Account--State Appropriation \$ 204,767,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$24,562,547 for vessel operating fuel in the 1991-93 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The department shall transfer moneys from the ferry system revolving account to the Puget Sound ferry operations account so as to minimize the need for expenditure of Puget Sound ferry operations account moneys during June of each respective fiscal year in support of the expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1991-93 biennium shall not exceed \$134,854,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$256.07 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1991-93 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the \$134,854,000 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1992;

(b) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1991-92 compensation increase and may be used to increase compensation costs, effective January 1, 1993.

In no event may the June 30, 1992, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1991-92 fiscal year.

In no event may the June 30, 1993, hourly salary rate increase exceed any salary rate increase granted during the 1992-93 fiscal year.

(c) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1991;

(d) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1992.

(4) The intent of the legislature is to eliminate the current passenger-only service between Seattle and Bremerton. The transportation commission is responsible for evaluating other potential passenger-only routes and determining the location of a new passenger-only route. The transfer of the Seattle/Bremerton passenger-only vessel to a new route should be implemented as soon as it is feasible.

(5) The appropriation in this section includes \$1,091,290 for an additional eight-hour automobile ferry service between Seattle and Bremerton during the 1992-93 fiscal period commencing with the elimination of the passenger only service.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(7) The transportation commission is directed to continue its evaluation of passenger-only vessel designs capable of providing high speed service between Seattle and Bremerton. The commission shall provide the legislative transportation committee with a report concerning the status of the evaluation by September 30, 1991.

NEW SECTION. Sec. 39. In addition to the appropriation authority contained in section 38 of this act for program X, the marine division may expend up to \$500,000 from the Puget Sound ferry operations account for unprogrammed expenditures with prior approval of the legislative transportation committee.

NEW SECTION. Sec. 40. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation	\$	10,823,000
Motor Vehicle Fund--Federal Appropriation	\$	95,300,000
Motor Vehicle Fund--Local Appropriation	\$	10,000,000
TOTAL APPROPRIATION	\$	116,123,000

(1) The appropriations in this section include \$3,150,000 from the motor vehicle fund--state appropriation for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws. If these moneys are not expended during 1991-93, this appropriation shall revert to the motor vehicle fund.

(3) \$4,000,000 of the motor vehicle fund--state appropriation, or as much thereof as may be required, is provided for studies that are mutually beneficial to cities, counties and the state department of transportation.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION--SUPPORTIVE SERVICES--PROGRAM 090

Motor Vehicle Fund--State Appropriation	\$	169,000
General Fund--Federal Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	569,000

The appropriations in this section are provided for support services to on-the-job training programs for minority construction workers and for minority contractors' training programs.

NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF TRANSPORTATION Motor Vehicle Fund--RV Account--State Appropriation

Transfer:

For transfer to the Motor Vehicle Fund	\$	800,000
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The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF TRANSPORTATION Motor Vehicle Fund--State Appropriation

Transfer:

For transfer to the Advance Right of Way Revolving Fund	\$	10,000,000
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The appropriation transfer in this section is null and void if House Bill No. 1992 is not enacted by September 1, 1991.

NEW SECTION. Sec. 44. It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided to the Washington state patrol and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage, and records management services, shall not be exceeded without prior approval of the legislative transportation committee.

NEW SECTION. Sec. 45. No moneys are provided in this act for major relocation of the Washington state patrol or the department of licensing.

Sec. 46. RCW 46.68.110 and 1989 1st ex.s. c 6 s 41 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

~~(2) ((From July 1, 1987, through June 30, 1989, thirty-three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

~~(3) From July 1, 1989, through June 30, 1991,))~~ Thirty-three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

~~((4))~~ (3) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 47. RCW 46.68.120 and 1989 1st ex.s. c 6 s 42 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

~~(3) ((From July 1, 1987, through June 30, 1989, thirty-three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for~~

~~the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

(4) From July 1, 1989, through June 30, 1991,)) Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

((5)) (4) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 48. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 49. The legislature recognizes the economic importance to the state of attracting new industrial development, and that the availability of transportation services is a significant factor in attracting such industries. The transportation commission and the department of transportation may consider these unique circumstances in determining priorities for capital expenditures.

NEW SECTION. Sec. 50. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 51. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSFER

Motor Vehicle Fund--Highway Construction

Stabilization Account Transfer: For
transfer to the Motor Vehicle Fund \$ 100,000,000

The appropriation transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION. Sec. 52. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 53. (1) Any public agency including but not limited to transit agencies, cities, counties, and the state department of transportation, awarded contracts from counties or transit agencies for the construction of high occupancy vehicle lanes and related facilities shall use such moneys in addition to, and not as a substitute for, moneys currently used, or planned to be used, for high occupancy vehicle lanes by the public agency receiving the award.

(2) Cities, counties, transit agencies, and the state department of transportation having within their boundaries a portion of the existing or planned high occupancy vehicle system contained in the document dated March 1991, entitled "Puget Sound HOV Core Lane Needs: 2000", shall coordinate programming and operational decisions affecting the high occupancy vehicle system.

NEW SECTION. Sec. 54. To maximize the use of motor vehicle fund revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 55. Agencies shall comply with the following requirements regarding information technology projects if directed to do so by specific appropriation proviso within this act. In addition to these provisos agencies shall comply with all department of information services requirements.

It is the intent of the legislature that information technology projects in state government be managed and completed successfully. Information technology projects should be divided into distinct phases. Each phase of a project should be successfully completed before subsequent phases are commenced, unless an alternative plan is approved by the department of information services, office of financial management, and legislative transportation committee. In addition to the post-implementation review, reviews using oversight and quality assurance measures are to be conducted throughout the project.

The legislature, with recommendations from department of information services and office of financial management, should evaluate each project's scope, duration, and risk in determining whether appropriations should be for a fiscal year or a biennium, and whether specific phases or the entire project can be accomplished within a specified time period.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services, the office of financial management, and the legislative transportation committee as appropriate.

(1) Scoping process phase. Prior to requesting moneys from the legislature, or as a condition of receiving an appropriation for planning or development of information technology projects, an agency shall complete a project scoping process. The scoping process shall detail the key issues to be addressed by the information technology project. The scoping process shall precede the feasibility study.

The scoping process must define the project's scope; key issues, including business, management, technical and other issues; major objectives; project justifications; project approach; and answer by a test of reasonableness that the project is feasible. The purpose of the scoping process is to provide the legislature, office of financial management, and the department of information services with the high level information that is needed to grant approval to proceed with the project.

(2) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements such studies shall examine

and evaluate the costs and benefits of maintaining the status quo, and of the proposed project. The study shall identify if and in what amounts any fiscal savings, costs, and benefits will occur, and what programs or fund sources will be affected. Benefits of information technology projects shall not be limited to fiscal savings, but may include improvements in service delivery by the agency to the citizens of the state. The feasibility study in this section shall be accompanied by the project management plan described in subsection (3) of this section.

(3) The project management plan shall document how the agency will manage the project identified in the feasibility study. The plan shall be an evolving document. Each subsequent phase of the project shall have an updated project management plan submitted as a prerequisite for approval to begin the next phase.

The project management plan shall cover all factors critical to the entire project and shall specifically address management plans for successfully completing the subsequent phase. The project management plan shall address all factors critical to the overall project, including, but not limited to, the following elements:

(a) Project organization: Define agency executive personnel accountable for project success; define oversight and management committee structures; identify key personnel including key positions that are not yet filled; address staffing requirements, including backfilling requirements; and other key resources needed for successful project implementation.

(b) A description of scope change and cost control procedures.

(c) A risk assessment and risk mitigation plan.

(d) A description of project oversight monitoring and quality assurance procedures.

(e) A project workplan: Explaining the appropriately defined phases, key management decision points, scheduling of other activities, and estimated costs for the next phase or phases to be conducted in a specified time period.

(4) Prior to reaching key decision points identified in the relevant project management plan a project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

(5) In instances where a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of information technology projects. Copies of written project review reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(6) The agency and the department of information services shall provide the legislative transportation committee and the office of financial management with a written bi-monthly project oversight and risk assessment report for each project that has a specific proviso under this section. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities during the next sixty to ninety days, base-line cost data, costs to date, schedule to date, risk assessments, risk management, and recommendations.

(7) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a

comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be provided to the department of information services, the office of financial management, and the legislative transportation committee.

Where major variances in project scope, cost, or risk occur, the sponsoring agency shall inform the department of information services of the change. The director of the sponsoring agency and the director of the department of information services shall jointly report such findings in writing to the legislative transportation committee and office of financial management. A major variance is defined as a budget change in excess of \$1,000,000 or ten percent, whichever is lower; an increase in risk category to high; or a change in scope that could result in major change in budget or risk.

NEW SECTION. Sec. 56. The department of transportation shall consolidate all growth management functions within a growth management project office. This office shall cease to exist on June 30, 1995.

NEW SECTION. Sec. 57. The attorney general shall prepare by December 31 of each year, a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways that were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

NEW SECTION. Sec. 58. FOR THE WASHINGTON STATE PATROL--CAPITAL

As used in this section, "St Patrol Hiwy Acct" means the State Patrol Highway Account and "St Patrol Constr Acct" means the State Patrol Construction Account.

- (1) Design and construct WSP/DOL district offices-Tacoma (90-2-013)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		5,413,000
Motor Vehicle Acct--State		924,000
Highway Safety Fund--State		924,000
Total Appropriation		7,261,000

Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
750,000		8,011,000

- (2) Design and construct new agency headquarters-Olympia (90-2-040)

	Reappropriation	Appropriation
St Patrol Constr Acct		40,000,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
250,000		40,250,000

The appropriation contained in this subsection is null and void if the bond authorization is not enacted by June 30, 1991.

(3) Complete Construction District Headquarters--Everett (90-2-018)

	Reappropriation	Appropriation
St Patrol Hiwy Acct	3,200,000	
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
300,000	3,200,000	3,500,000

(4) Replace underground storage tanks-Ten locations (92-1-002)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		1,656,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
376,000		2,032,000

(5) Minor works (92-2-004)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		435,000
Project Costs Through	Estimated Costs 7/1/91 and	Estimated Total Costs

6/30/91	Thereafter	
1,654,000	759,200	2,848,200

(6) Property acquisition for communications site-Maple Falls (92-2-0064)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		17,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs 17,000

(7) BAW FAW replacement communication tower (92-2-010)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		234,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs 234,000

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the colocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to colocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided by the department or the state patrol at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies needs do not warrant colocation this proviso shall not apply.

NEW SECTION. Sec. 59. A new section is added to chapter 46.68 RCW to read as follows:

The state patrol equipment account is created in the state treasury. The account shall be used solely to finance the acquisition and replacement of equipment to be used for state patrol highway-related activities.

(1) All equipment capitalized by the account shall be subject to annual use and depreciation costs in an amount that will recover a replacement value by the time the life cycle has expired for a particular piece of equipment. The account shall be an internal service fund subject to legislative appropriation.

(2) Use and depreciation costs shall be charged to all users of Washington State Patrol equipment, except in those circumstances where the chief of the state patrol deems it necessary to waive those charges.

(3) The state patrol shall propose a replacement schedule and the rate for use, for all equipment to be included in the account.

(4) The state patrol shall report to the legislative transportation committee and the office of financial management by December 1, 1991, on the alternatives for the inclusion of different types of equipment to be included in the state patrol equipment account and on financing alternatives.

Sec. 60. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

(1) Of the money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, seventy percent shall be deposited in the public safety and education account which is hereby created in the ((state treasury)) general fund, and thirty percent shall be deposited in the traffic safety and enforcement account hereby created in the transportation fund.

(a) The legislature shall appropriate the funds in the public safety and education account to promote ((traffic safety education, highway safety,)) criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs.

(b) Moneys in the traffic safety and enforcement account shall be used for promotion of traffic safety education, highway safety, the safety education officer program, driver education, commercial vehicle enforcement, and other programs related to driver and vehicle safety, enforcement, and administration. All earnings of investments of balances in the traffic safety and enforcement account shall be credited to the transportation fund, notwithstanding RCW 43.84.090.

(c) All earnings of investments of balances in the public safety and education account shall be credited to the general fund.

(2) The ending fund balance on June 30, 1993, as determined by the state treasurer, shall be allocated on July 1, 1993, as follows: Seventy percent to the public safety and education account and thirty percent to the traffic safety and enforcement account.

Sec. 61. RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203 are each amended to read as follows:

Except as otherwise provided by RCW 43.250.030, 67.40.025, ((and)) 82.14.050, and section 60(1)(b) of this act, twenty percent of all income received from such investments shall be deposited in the state general fund.

NEW SECTION. Sec. 62. A study shall be performed by the senate ways and means committee, the house of representatives appropriations committee, and the legislative transportation committee to examine issues related to the public safety and education account. The study shall examine and make recommendations regarding, but not limited to, the following: The effectiveness of all programs receiving appropriations from the account, which purposes should be added or deleted from RCW 43.08.250, which programs should have priority for increased funding from the account, the method of distributing and appropriating account revenue, and the logical connection between the sources and uses of account revenue. A report shall be presented to the legislature no later than July 1, 1992. This section shall take effect July 1, 1991.

NEW SECTION. Sec. 63. Sections 60 and 61 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 64. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 65. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.110, 46.68.120, 43.08.250, and 43.84.090; adding a new section to chapter 46.68 RCW; creating new sections; providing an effective date; and declaring an emergency."
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1231 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives R. Fisher, Zellinsky and Betrozoff as conferees on Engrossed Substitute House Bill No. 1231.

SENATE AMENDMENT TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287 with the following amendment:

On page 5, line 16, after "father." strike the remainder of the subsection and insert: "The consent document shall contain a statement identifying the name and address of the witness. In addition, the consent document shall state the relationship of the witness to the parent or alleged father."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Leonard moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1287.

Ms. Leonard spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1287 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1287 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Brough - 01.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

Engrossed Substitute House Bill No. 1287 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1316 with the following amendments:

On page 16, beginning on line 1, strike all of section 16

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 18, line 19, after "shall" strike "either" and insert "((either))"

On page 18, beginning on line 20, after "same" strike all material through "((; and))" on line 24, and insert "((, or shall during the month of February publish once in a newspaper having general circulation in the county a listing of the levies made in the respective taxing districts and shall upon request furnish such a listing to any one requesting the same; and))"

On page 39, at the beginning of line 15, strike "Ad" and insert "On the order of the county treasurer, ad"

On page 43, after line 25, insert the following:

Sec. 38. RCW 84.56.290 and 1987 c 168 s 3 are each amended to read as follows:

Whenever any tax shall have been heretofore, or shall be hereafter, canceled, reduced or modified in any final judicial, county board of equalization, state board of tax appeals, or administrative proceeding; or whenever any tax shall have been heretofore, or shall be hereafter canceled by sale of property to any irrigation district under foreclosure proceedings for delinquent irrigation district assessments; or whenever any contracts or leases on public lands shall have been heretofore, or shall be hereafter, canceled and the tax thereon remains unpaid for a period of two years, the director of revenue shall, upon receipt from the county treasurer of a certified copy of the final judgment, order, or decree canceling, reducing, or modifying taxes, or of a certificate

from the county treasurer of the cancellation by sale to an irrigation district, or of a certificate from the commissioner of public lands and the county treasurer of the cancellation of public land contracts or leases and nonpayment of taxes thereon, as the case may be, make corresponding entries and corrections on ~~((his))~~ the director's records of the state's portion of reduced or canceled tax.

Upon canceling taxes deemed uncollectible, the county commissioners shall notify the county treasurer of such action, whereupon the county treasurer shall deduct on ~~((his))~~ the treasurer's records the amount of such uncollectible taxes due the various state funds and shall immediately notify the department of revenue of ~~((his))~~ the treasurer's action and of the reason therefor; which uncollectible tax shall not then nor thereafter be due or owing the various state funds and the necessary corrections shall be made by the county treasurer upon the quarterly settlement next following.

When any assessment of property is made which does not appear on the assessment list certified by the county board of equalization to the ~~((state board))~~ department of ((equalization)) revenue the county assessor shall indicate to the county treasurer the assessments and the taxes due therefrom when the list is delivered to the county treasurer on December 15th. The county treasurer shall then notify the department of revenue of the taxes due the state from the assessments which did not appear on the assessment list certified by the county board of equalization to the ~~((state board))~~ department of ((equalization)) revenue. The county treasurer shall make proper accounting of all sums collected as either advance tax, compensating or additional tax, or supplemental or omitted tax and shall notify the department of revenue of the amounts due the various state funds according to the levy used in extending such tax, and those amounts shall immediately become due and owing to the various state funds, to be paid to the state treasurer in the same manner as taxes extended on the regular tax roll.

Sec. 39. RCW 84.69.070 and 1973 2nd ex.s. c 5 s 3 are each amended to read as follows:

Refunds ordered with respect to taxing districts shall be paid by checks drawn by the county treasurer upon such available funds, if any, as the taxing districts may have on deposit in the county treasury, or in the event such funds are insufficient, then out of funds subsequently accruing to such taxing district and on deposit in the county treasury. When such refunds are made as a result of taxes paid under levies or statutes adjudicated to be illegal or unconstitutional all administrative costs including interest paid on the refunds incurred by the county treasurer in making such refunds shall be a charge against the funds of such districts and/or the state on a pro rata basis until the county current expense fund is fully reimbursed for the administrative expenses incurred in making such refund: PROVIDED, That whenever orders for refunds of ad valorem taxes promulgated by ~~((boards of county commissioners))~~ the county treasurer or county legislative authority and unpaid checks shall expire and become void as provided in RCW 84.69.110, then any moneys remaining in a refund account established by the county treasurer for any taxing district may be transferred by the county treasurer from such refund account to the county current expense fund to reimburse the county for the administrative expense incurred in making refunds as prescribed herein. Any excess then remaining in the taxing district refund account may then be transferred by the county treasurer to the current expense fund of the taxing district for which the tax was originally levied and collected.

Sec. 40. RCW 84.69.110 and 1961 c 15 s 84.69.110 are each amended to read as follows:

Every order for refund of ad valorem taxes promulgated by the ~~((board of county commissioners))~~ county treasurer or county legislative authority under authority of this chapter as hereafter amended shall expire and be void three years from the date of the order and all unpaid checks shall become void.

Sec. 41. RCW 84.69.120 and 1989 c 378 s 33 are each amended to read as follows:

If the county (~~legislative authority~~) treasurer rejects a claim or fails to act within six months from the date of filing of a claim for refund in whole or in part, the person who paid the taxes; the person's guardian, executor, or administrator may within one year after the date of the filing of the claim commence an action in the superior court against the county to recover the taxes which the county (~~legislative authority~~) treasurer has refused to refund.

NEW SECTION. Sec. 42. The following sections are decodified:

- (1) RCW 84.28.005;
- (2) RCW 84.28.006;
- (3) RCW 84.28.010;
- (4) RCW 84.28.020;
- (5) RCW 84.28.050;
- (6) RCW 84.28.060;
- (7) RCW 84.28.063;
- (8) RCW 84.28.065;
- (9) RCW 84.28.080;
- (10) RCW 84.28.090;
- (11) RCW 84.28.095;
- (12) RCW 84.28.100;
- (13) RCW 84.28.110;
- (14) RCW 84.28.140;
- (15) RCW 84.28.150;
- (16) RCW 84.28.160;
- (17) RCW 84.28.170;
- (18) RCW 84.28.200;
- (19) RCW 84.28.205;
- (20) RCW 84.28.210; and
- (21) RCW 84.28.215.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 44, after line 14, insert the following:

NEW SECTION. Sec. 39. The following acts or parts of acts are each repealed:

- (1) RCW 84.04.043 and 1979 c 107 s 26;
- (2) RCW 84.08.110 and 1975 1st ex.s. c 278 s 154 & 1961 c 15 s 84.08.110;
- (3) RCW 84.40.100 and 1961 c 15 s 84.40.100;
- (4) RCW 84.40.250 and 1961 c 15 s 84.40.250;
- (5) RCW 84.40.330 and 1975 1st ex.s. c 278 s 196 & 1961 c 15 s 84.40.330;
- (6) RCW 84.40A.020 and 1971 ex.s. c 43 s 2;
- (7) RCW 84.40A.030 and 1971 ex.s. c 43 s 3;
- (8) RCW 84.40A.040 and 1971 ex.s. c 43 s 4;
- (9) RCW 84.40A.050 and 1971 ex.s. c 43 s 5;
- (10) RCW 84.44.040 and 1961 c 15 s 84.44.040;
- (11) RCW 84.44.060 and 1961 c 15 s 84.44.060; and
- (12) RCW 84.44.070 and 1961 c 15 s 84.44.070.

On page 1, line 4 of the title, after "82.45.180," strike "84.08.110,"

On page 1, line 7 of the title, after "85.05.280," strike "and" and after "85.05.360" insert ", 84.56.290, 84.69.070, 84.69.110, and 84.69.120"

On page 1, line 8 of the title, after "36.88 RCW;" insert "decodifying RCW 84.28.005, 84.28.006, 84.28.010, 84.28.020, 84.28.050, 84.28.060, 84.28.063, 84.28.065, 84.28.080, 84.28.090, 84.28.095, 84.28.100, 84.28.110, 84.28.140, 84.28.150, 84.28.160, 84.28.170, 84.28.200, 84.28.205, 84.28.210, and 84.28.215;"

On page 1, line 10 of the title, after "84.64.210," strike "and" and after "84.64.240" insert ", 84.04.043, 84.08.110, 84.40.100, 84.40.250, 84.40.330, 84.40A.020, 84.40A.030, 84.40A.040, 84.40A.050, 84.44.040, 84.44.060, and 84.44.070" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1316.

spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1316 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1316 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

Substitute House Bill No. 1316 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1317 with the following amendments:

On page 2, after line 26, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales to free hospitals of items reasonably necessary for the operation of, and provision of health care by, free hospitals.

(2) As used in this section, "free hospital" means a hospital that does not charge any patient for health care provided by the hospital.

NEW SECTION. Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use by free hospitals of items reasonably necessary for the operation of, and provision of health care by, free hospitals.

(2) As used in this section, "free hospital" means a hospital that does not charge any patient for health care provided by the hospital.

NEW SECTION. Sec. 6. Sections 4 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "exemptions" strike "for oxygen"

On page 1, line 2 of the title, after "82.12.0277;" strike "and creating a new section" and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency."
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Mr. Wang: Mr. Speaker, I wish you would examine the Senate amendments to Substitute House Bill No. 1317 to see whether or not they fall within the scope and object of the bill.

With consent of the House, further consideration of Substitute House Bill No. 1317 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1336 with the following amendments:

On page 2, line 12, after "on a" insert "waiting"

On page 2, line 28, after "include any" strike "fee" and insert "cost"

On page 3, line 3, after "(3)" strike "Any" and insert "In any action brought for a violation of this section a landlord may be liable for the amount of the fee or deposit charged. In addition, any"

On page 3, line 14, after "exceed the" strike the remainder of the sentence and insert "customary costs charged by a screening service in the general area."

On page 3, line 18, after "tenant" strike "a fee for" and insert "for the cost of"
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to Substitute House Bill No. 1336.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1336 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1336 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

Substitute House Bill No. 1336 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1339 with the following amendments:

On page 2, line 22, after "year" insert "if the applicant was an unemployed individual at the time of application, or since the initial separation in the previous benefit year if the applicant was not an unemployed individual at the time of filing an application for initial determination for the previous benefit year,"

On page 3, after line 6, insert the following:

Sec. 2. RCW 50.20.085 and 1986 c 75 s 1 are each amended to read as follows:

An individual is disqualified from benefits with respect to any day or days (~~(in)~~) for which he or she is receiving, has received, or will receive compensation under RCW 51.32.060 or 51.32.090.

Renumber the sections consecutively and correct internal references accordingly.

On page 6, line 7, after "awarded." strike "The" and insert "When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall

constitute wages paid in the period for which it was awarded. For contribution purposes, the"

On page 1, line 2 of the title, after "50.04.030" insert ", 50.20.085," and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Heavey moved that the House do concur in the Senate amendments to House Bill No. 1339.

Mr. Heavey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1339 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1339 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

House Bill No. 1339 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1401 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter shall be known and cited as "Washington taxpayers' rights and responsibilities."

NEW SECTION. Sec. 2. (1) The legislature finds that taxes are one of the most sensitive points of contact between citizens and their government, and that there is a delicate balance between revenue collection and taxpayers' rights and responsibilities. The rights, privacy, and property of Washington taxpayers should be protected adequately during the process of the assessment and collection of taxes.

(2) The legislature further finds that the Washington tax system is based largely on voluntary compliance and that taxpayers have a responsibility to inform themselves about applicable tax laws. The legislature also finds that the rights of the taxpayers and their attendant responsibilities are best implemented where the department of revenue provides accurate tax information, instructions, forms, administrative policies, and procedures to assist taxpayers to voluntarily comply with the provisions of the revenue act, Title 82 RCW, and where taxpayers cooperate in the administration of these provisions.

NEW SECTION. Sec. 3. The department of revenue shall administer this chapter. The department of revenue shall adopt or amend rules as may be necessary to fully implement this chapter and the rights established under this chapter.

NEW SECTION. Sec. 4. The taxpayers of the state of Washington have:

(1) The right to a written explanation of the basis for any tax deficiency assessment, interest, and penalties at the time the assessments are issued;

(2) The right to rely on specific, official written advice and written tax reporting instructions from the department of revenue to that taxpayer, and to have interest, penalties, and in some instances, tax deficiency assessments waived where the taxpayer has so relied to their proven detriment;

(3) The right to redress and relief where tax laws or rules are found to be unconstitutional by the final decision of a court of record and the right to prompt administrative remedies in such cases;

(4) The right to confidentiality and protection from public inquiry regarding financial and business information in the possession of the department of revenue in accordance with the requirements of RCW 82.32.330;

(5) The right to receive, upon request, clear and current tax instructions, rules, procedures, forms, and other tax information; and

(6) The right to a prompt and independent administrative review by the department of revenue of a decision to revoke a tax registration, and to a written determination that either sustains the revocation or reinstates the registration.

NEW SECTION. Sec. 5. To ensure consistent application of the revenue laws, taxpayers have certain responsibilities under chapter 82.32 RCW, including, but not limited to, the responsibility to:

(1) Register with the department of revenue;

(2) Know their tax reporting obligations, and when they are uncertain about their obligations, seek instructions from the department of revenue;

(3) Keep accurate and complete business records;

(4) File accurate returns and pay taxes in a timely manner;

(5) Ensure the accuracy of the information entered on their tax returns;

(6) Substantiate claims for refund;

(7) Timely pay all taxes after closing a business and request cancellation of registration number; and

(8) Timely respond to communications from the department of revenue.

NEW SECTION. Sec. 6. The director of revenue shall appoint a taxpayer rights advocate. The advocate shall be responsible for directly assisting taxpayers and their representatives to assure their understanding and utilization of the policies, processes, and procedures available to them in the resolution of problems.

NEW SECTION. Sec. 7. The department of revenue shall maintain a taxpayer services program consisting of, but not limited to:

(1) Providing taxpayer assistance in the form of information, education, and instruction in person, by telephone, or by correspondence;

(2) Conducting tax workshops at locations most conveniently accessible to the majority of taxpayers affected; and

(3) Publishing written bulletins, instructions, current revenue laws, rules, court decisions, and interpretive rulings of the department of revenue.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 82 RCW.

On page 1, line 1 of the title, after "responsibilities;" strike the remainder of the title and insert "and adding a new chapter to Title 82 RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1401 and ask the Senate for a conference thereon. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440 with the following amendments:

On page 6, after line 20, insert the following:

"(3) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance."

On page 8, beginning on line 25, strike all of section 6

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, strike "adding a new section to chapter 59.22 RCW;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Nelson moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1440 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Nelson, Leonard and Winsley as conferees on Engrossed Substitute House Bill No. 1440.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1452 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that major transportation corridors in this state are reaching unacceptable levels of congestion. Proposed improvements such as extension of the HOV-lane system or regional high-capacity systems, can, at best, only temporarily reduce the rate at which congestion increases. Further, such improvements do not address cross-state travel demands, whether north-south or east-west.

Therefore, the legislature finds that 1991 is an appropriate time for the legislature and the governor to direct that a comprehensive assessment be made of the feasibility of developing a high-speed ground transportation system within the state and that a plan be developed for implementation of potential alternatives.

Congress has set aside federal funds in the amount of five hundred thousand dollars for the state of Washington to carry out such an assessment, with the stipulation that the state provide an equal amount of state funds for the effort. If a high-speed ground transportation system is developed within the state, the legislature believes significant benefits would accrue to many segments of the private sector economy. The legislature therefore finds that equal funding support for the feasibility study provided for in section 4 of this act should come from private sector sources. This three-way partnership between the federal government, the state, and the private sector can provide the foundation for ultimate development of a high-speed ground transportation system.

NEW SECTION. Sec. 2. The high-speed ground transportation steering committee is created, consisting of fifteen members, appointed jointly by the governor, the chair of the legislative transportation committee, and the chair of the transportation commission. The appointing authorities shall also designate the chair of the steering committee.

The committee must include representatives from the following:

(1) Cities and counties, including both elected officials and planners, and if possible, representatives of regional transportation planning organizations;

(2) Public transportation systems;

(3) The United States department of transportation;

(4) Public ports; and

(5) The private sector, including:

(a) The financial community;

(b) The engineering and construction community;

(c) Railroad companies;

(d) Environmental interests; and

(e) The legal profession.

The secretary of the state department of transportation, or the secretary's designee, shall also be a member.

Members of the steering committee shall receive no compensation for their service, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. The following persons shall serve as voting liaison members to the steering committee:

(1) The governor or a designee;

(2) Four legislators, one from each caucus of each house, appointed by the chair of the legislative transportation committee; and

(3) The chair of the transportation commission.

In addition to those persons, the governor shall attempt to obtain appropriate nonvoting liaison representation to the steering committee from the state of Oregon and the province of British Columbia.

NEW SECTION. Sec. 4. The steering committee shall initially address the feasibility of a high-speed ground transportation system within this state, including such issues as:

- (1) When such a system would be economically feasible;
- (2) The forecasted demand, assessing whether the focus should be on passenger travel or freight or both;
- (3) Identification of the corridors to be analyzed;
- (4) Land use and economic development implications;
- (5) Environmental considerations;
- (6) The compatibility of such a system with regional transportation plans along proposed corridors;
- (7) Impacts on and interfaces with other travel modes;
- (8) Technological options for high-speed ground transportation, both foreign and domestic;
- (9) Required specifications for speed, safety, access, and frequency;
- (10) Identification of existing highway or railroad rights of way that are suitable for high-speed travel;
- (11) Identification of additional rights of way that may be needed and the process for acquiring those rights of way;
- (12) The recommended institutional arrangement for carrying out detailed planning for such a system, for constructing it, and for operating it;
- (13) Whether financing of construction should be public or private or some combination of both;
- (14) Whether financing of operations should be public or private or some combination of both;
- (15) If public sector financing for any portion of capital or operation costs is deemed necessary, which existing or new tax sources would be appropriate.

The steering committee shall coordinate its work with that of the air transportation commission established in RCW 47.86.030.

NEW SECTION. Sec. 5. The steering committee shall seek to obtain private sector contributions at least equal to the amount of state funds appropriated for this purpose in section 9 of this act. All such contributions shall be deposited in the state treasury to the credit of department of transportation, to be expended in accordance with the provisions of section 9 of this act.

NEW SECTION. Sec. 6. In order to provide technical and administrative support to the steering committee, the office of high-speed ground transportation is created within the department of transportation. That office may contract with consultants at the direction of the steering committee and shall provide other support functions as requested by the committee.

NEW SECTION. Sec. 7. The steering committee shall present a final report to the governor, the legislature, and the transportation commission by October 15, 1992. It shall present interim progress reports as appropriate. The final report must include findings of the steering committee, a recommended plan for implementation, and proposed legislation to implement the next phase of a high-speed ground transportation program.

Sec. 8. RCW 47.86.030 and 1990 c 298 s 41 are each amended to read as follows:

The commission shall conduct studies to determine Washington's long-range air transportation policy, including an assessment of intermodal needs, and to assess the impacts of increasing air traffic upon surrounding communities, including an evaluation of noise mitigation and surface transportation impacts at existing facilities, and the potential impact at new or expanded facilities.

The studies shall include, but are not limited to the following:

(1) The feasibility of acquiring the Stampede Pass rail line for use as a utility corridor, intermodal high speed transportation corridor or other transportation uses. The study shall include an examination of the ownership of the Stampede Pass rail line right of way and evaluate the advantages and disadvantages of preserving the Stampede Pass rail line corridor. It shall include interested public and private agencies when conducting the study. The commission shall encourage local communities and the private sector to financially participate in the study. The commission shall make a presentation of the feasibility findings to the legislative transportation committee on or before December 1, 1990.

(2) Recommendations to the legislature on future Washington state air transportation policy, including the expansion of existing and potential air carrier and reliever facilities and the siting of such new facilities, specifically taking into consideration intermodal needs. The commission shall consider the development of wayports in eastern Washington, taking into account similar developments in Japan and Germany, in order to reduce congestion resulting from rapid growth in the Puget Sound region. The commission shall ~~((examine high speed rail transportation systems, including but not limited to magnetic levitation trains, personal rapid transit systems, and complimentary transportation systems, using to the extent possible the existing rights of way along I 90, I 5, and the Stampede Pass rail corridor))~~ coordinate its study of airport siting policy issues with the efforts of the high-speed ground transportation steering committee.

The commission shall submit findings and recommendations to the legislative transportation committee by December 1, 1994, with an interim report to be presented to the legislative transportation committee by December 1, 1992.

NEW SECTION. Sec. 9. The sum of five hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the transportation fund to the department of transportation program T, for the biennium ending June 30, 1993, to carry out the purposes of this act. The appropriation shall be expended in accordance with the work plan developed by the high-speed ground transportation steering committee created in section 2 of this act: PROVIDED, That no more than seventy-five thousand dollars may be expended before the department of transportation receives one or more contributions from the private sector, in accordance with the provisions of section 5 of this act, totaling five hundred thousand dollars or more.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act shall expire December 31, 1992.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

In line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 47.86.030; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1452 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives R. Fisher, G. Fisher and Chandler as conferees on Substitute House Bill No. 1452.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1487 with the following amendments:

On page 2, line 15, strike "five" and insert "three"

On page 15, line 4, after "address" strike "or telephone number of the applicant" and insert ", telephone number of the applicant, or financial statement" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendments to House Bill No. 1487.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1487 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1487 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

House Bill No. 1487 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1500 with the following amendments:

On page 1, line 14, after "~~((thirty-five))~~" strike ") sixty dollars" and insert "dollars) an amount established by the county legislative authority"

On page 2, line 1, after "~~((thirty-five))~~" strike ") forty-two dollars" and insert "dollars) a lesser amount established by the county legislative authority" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Hargrove moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1500.

Mr. Hargrove spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1500 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1500 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Berozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

Engrossed House Bill No. 1500 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1581 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 80.04.015 and 1986 c 11 s 1 are each amended to read as follows:

Whether or not any person or corporation is conducting business subject to regulation under this title, or has performed or is performing any act requiring registration or approval of the commission without securing such registration or approval, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person or corporation is engaged in any activity without first complying with the requirements of this title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and produce information, books, records, accounts, and other memoranda, and give testimony under oath as to the activities being conducted. The commission may consider any and all facts that may indicate the true nature and extent of the operations or acts and may subpoena such witnesses and documents as it deems necessary.

After investigation, the commission is authorized and directed to issue the necessary order or orders declaring the activities to be subject to, or not subject to, the provisions of this title. In the event the activities are found to be subject to the provisions of this title, the commission shall issue such orders as may be necessary to require all parties involved in the activities to comply with this title, and with respect to services found to be reasonably available from alternative sources, to issue orders to cease and desist from providing jurisdictional services pending full compliance.

In proceedings under this section, no person or corporation may be excused from testifying or from producing any information, book, document, paper, or account before the commission when ordered to do so, on the ground that the testimony or evidence, information, book, document, or account required may tend to incriminate him or her or subject him or her to penalty or forfeiture specified in this title; but no person or corporation may be prosecuted, punished, or subjected to any penalty or forfeiture specified in this title for or on account of any account, transaction, matter, or thing concerning which he or she shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying may be exempt from prosecution or punishment for any perjury committed by him or her in such testimony: PROVIDED FURTHER, That the exemption from prosecution in this section extends only to violations of this title.

Until July 1, 1994, in any proceeding instituted under this section to determine whether a person or corporation owning, controlling, operating, or managing a water system is subject to commission regulation, and where the person or corporation has failed or refused to provide sufficient information or documentation to enable the commission to make such a determination, the burden shall be on such person or corporation to prove that the person's or corporation's operations or acts are not subject to commission regulation.

NEW SECTION. Sec. 2. A new section is added to chapter 80.28 RCW to read as follows:

The commission's jurisdiction over the rates, charges, practices, acts or services of any water company shall include any aspect of line extension, service installation, or service connection. If the charges for such services are not set forth by specific amount in the company's tariff filed with the commission pursuant to RCW 80.28.050, the

commission shall determine the fair, just, reasonable, and sufficient charge for such extension, installation, or connection. In any such proceeding in which there is no specified tariffed rate, the burden shall be on the company to prove that its proposed charges are fair, just, reasonable, and sufficient."

On page 1, line 2 of the title, after "regulation;" strike the remainder of the title and insert "amending RCW 80.04.015; and adding a new section to chapter 80.12 RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. H. Myers moved that the House do concur in the Senate amendments to House Bill No. 1581.

Ms. H. Myers spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1581 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1581 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Mitchell - 01.

Absent: Representative Brekke - 01.

Excused: Representatives Beck, Day, Grant - 03.

House Bill No. 1581 as amended by the Senate, having received the constitutional majority, was declared passed.

Representative Day appeared at the bar of the House.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Wang, Fraser and Holland as conferees on Substitute House Bill No. 1401.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber-impacted communities are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that this region requires a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber-impacted communities including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber-impacted communities.

NEW SECTION. Sec. 2. For the purposes of sections 1 through 13 of this act:

(1) "Department" means the department of trade and economic development;

(2) "Board" means the economic recovery coordination board;

(3) "Timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

(4) "Forest products worker" means any worker whose dislocation results from the reduction of forest fibre enhancement, transportation, or production. The Washington employment security department shall certify as to whether or not an individual works in an industry that meets this definition. It shall include workers employed in industries defined by SIC codes 24 and 26 and those who are involved in the harvesting and management of logs, transportation of logs and wood products, and processing of wood products, as well as the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions.

NEW SECTION. Sec. 3. (1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state's economic and social programs

targeted to timber-dependent communities and the state's interests in federal land management and regulatory issues.

The governor shall appoint a social services subcoordinator at the department of social and health services. The subcoordinator shall be responsible for coordinating and improving all dislocated worker and family assistance programs directed to timber or rural communities.

The governor shall appoint an economic development subcoordinator at the department of trade and economic development to coordinate all community and economic development programs directed towards timber-dependent or rural communities.

(2) The coordinator's responsibilities shall include but not be limited to:

(a) Serve as executive secretary of the economic recovery coordination board and direct staff associated with the board.

(b) Chair the agency timber task force and direct staff associated with the task force.

(c) Ensure that state programs directed to timber-dependent communities are effective and meet the intent of the legislature.

(d) Coordinate the state's position and response to federal land management and regulatory issues affecting timber and other rural communities.

(e) Respond to the needs and concerns of citizens at the local level.

(f) Develop a strategic plan for the economic recovery of timber communities.

(g) Provide recommendations and technical assistance on proposals for the diversification of timber-dependent communities.

(h) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that impact timber-dependent communities.

(i) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber communities.

(j) Coordinate the social service timber task forces administered by the department of social and health services in cooperation with county governments.

(k) Coordinate the associate development organizations in timber-dependent counties.

(l) Report to the legislature on the progress of the economic recovery of timber communities in January 1992 to evaluate the success of the program.

(3) The coordinator may determine that other economic situations affecting other communities, not involving timber recovery, are adversely affecting the state's economy and may exercise all of the coordinator's powers to promote economic recovery in such areas.

(4) This section shall expire June 30, 1993.

NEW SECTION. Sec. 4. (1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator, who shall be responsible for all activities of the task force and who shall have executive authority over all agencies represented in the task force with regard to programs created in this act. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of natural resources, department of transportation, state energy office, department of wildlife, and department of ecology. The task force shall consult and enlist the assistance of the following: The higher education coordinating board, University of Washington school of forestry, Washington State University school of forestry, Northwest policy center, superintendent of public instruction, Washington association of counties, and rural development council. It shall be the responsibility of the coordinator that all directives of this act are carried out expeditiously by the agencies represented in the task force.

(2) The agency timber task force shall be responsible for coordinating all programs oriented towards economic and social development of timber communities as well as directing a joint state response to all federal land management and regulatory actions. The functions of the board shall include but not be limited to:

(a) With the assistance of the Northwest policy center at the University of Washington, develop a strategic plan for the economic recovery of timber communities;

(b) Reviewing and approving all proposals, work plans, and expenditures for economic and social programs targeted to rural and timber communities. No expenditures for such programs can be made without review by the agency timber task force; and

(c) Coordinate, review, and encourage all general social and economic development programs that could affect timber communities.

(3) This section shall expire June 30, 1993.

NEW SECTION. Sec. 5. The Northwest policy center at the University of Washington shall design an evaluation mechanism for all timber community programs and undertake an evaluation of each program's effectiveness by November 1, 1993.

NEW SECTION. Sec. 6. (1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each timber impact area economic development council. The timber recovery coordinator and the two subcoordinators shall be members of the board. Each timber impact area economic development council shall submit the names of three nominees representing different interests to the governor. Within sixty days after the effective date of this section, the governor shall select one nominee from each economic development council list. The governor's appointments shall have representation from representatives of local businesses, labor organizations, local governments, visitor and convention bureaus, local educational institutions, local associate development organizations, the agribusiness community, and local ports. In making the appointments, the governor shall endeavor to ensure that the appointees have experience in local diversification efforts. Vacancies shall be filled in the same manner as the original appointment.

The board shall advise the timber recovery coordinator and the agency timber task force on issues relating to timber community economic and social development, and review and provide recommendations on proposals for the diversification of the timber-impacted areas presented to it by the timber recovery coordinator.

The board shall appoint members to local recovery advisory committees in each timber impact area. In making the appointments the board shall endeavor to recruit members of the community with expertise in areas needed to create a revitalized economy. The advisory committee shall assist the recovery board with review and recommendations.

Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(2) The board may determine that other economic situations affecting other communities, not involving timber recovery, are adversely affecting the state's economy and may exercise all of the board's powers to promote economic recovery in such areas.

(3) This section shall expire June 30, 1993.

NEW SECTION. Sec. 7. The department of trade and economic development shall begin implementation of economic diversification programs.

In carrying out these programs, the department, in consultation with the economic recovery coordination board, shall determine which objectives are most likely to lead to economic recovery and diversification. Consideration shall be given to potential jobs and income benefits, generation of additional fiscal support, increased private sector participation, and market forces supporting the proposed objectives. The department shall employ an economic development subcoordinator appointed by the governor under section 3 of this act who will coordinate with the economic recovery board. The board shall

consider such studies and governmental agencies which could support the priority goals determined under this section.

NEW SECTION. Sec. 8. The economic development subcoordinator shall facilitate the department's activities within the timber-impacted regions. The subcoordinator's responsibilities shall include but not be limited to:

(1) Coordinating the activities of the department and the department of community development in timber-impacted areas;

(2) Seeking to increase the use of existing state economic development programs in the timber-impacted regions;

(3) Helping to locate additional funds to be used for diversification and recovery activities;

(4) Seeking advice and recommendations from the board on activities within the priority areas;

(5) Coordinating evaluation of state programs in the region;

(6) Seeking to increase the effectiveness of existing efforts to incubate new enterprises in the timber-impacted areas and to increase the resources devoted to the incubation of new enterprises;

(7) Facilitating a new technology and research base in the region for local businesses, including efforts to increase: The availability and accessibility of venture capital in the timber-impacted areas, especially for the early stages of enterprise development and for the expansion of existing enterprises, the accessibility of legal expertise, especially in regard to licenses and patents, and the identification of and assistance to entrepreneurs with expertise in managing new product development; and

(8) Increasing the availability and coordination of resources devoted to the expansion, development, and modernization of enterprises in existing promising growth areas of the timber-impacted regional economy such as the industrial applications of advanced technology and recreational development.

NEW SECTION. Sec. 9. The department shall contract with local bodies to develop various programs to promote diversification, such as regional exporting, waterfront tourism, job retention, small business marketing and training, small business incubators, investment opportunities, and securing federal contracts. The department, after consultation with the board, shall establish guidelines for the awarding of contracts under this section.

NEW SECTION. Sec. 10. The department, in consultation with the board, shall:

(1) Gather, analyze, and disseminate information about the competitiveness of the wood products industry in this state and make that information available to the wood products industry, state government, and the general public.

(2) Encourage cooperation among wood products firms through the formation of business networks to develop solutions to technology and product development problems, acquire and disseminate marketing information, promote and market wood products of this state, and address other common industry problems.

(3) Receive assistance from the board in the department's efforts to increase the competitiveness of the industry and increase the production of value-added products by providing grants for feasibility studies and product research and development. The grants under this subsection shall:

(a) Be of general benefit to the industry rather than intended to benefit a specific firm;

(b) Be for such activities as identifying options, assessing markets, evaluating business and financial risks, addressing production issues, and assessing new technologies; and

(c) Be less than thirty-five thousand dollars unless seventy-five percent of the agency timber task force authorizes up to fifty thousand dollars.

(4) Work with state agencies, wood products firms, wood products industry associations, and institutions of higher education in this state to assure close coordination of all efforts to improve the competitiveness of the wood products industry in this state.

(5) Report periodically to the governor, the legislature, the wood products industry, and the general public on the competitive position of the wood products industry in this state, and make such recommendations as the department determines appropriate for public or private actions needed to improve the competitiveness of the wood products industry in this state.

In pursuing efforts to stimulate the growth of timber enterprises and to strengthen the timber economy, the state should identify opportunities to learn from and/or work with other states and provinces. A regional working session on value-added timber products, jointly sponsored by the Pacific Northwest economic region and the Northwest policy center, shall be held in 1991. Washington state and its appropriate agencies are encouraged to participate in this working session.

NEW SECTION. Sec. 11. (1) The department shall develop an implementation plan for a forest products development center to be located in Forks, Washington, as a model public/private manufacturing partnership. The center plan shall determine methods to:

(a) Improve the technology in the timber industry by improving production methods and equipment to become more competitive;

(b) Work with private industry to improve the infrastructure to finance the capital expenditures necessary for public facilities such as roads and utilities;

(c) Train new production workers to be more sophisticated production workers by offering training opportunities allowing workers to adapt to a changing workplace;

(d) Provide updated knowledge of the consumer and industry trends around the world to identify markets; and

(e) Serve as a model to demonstrate environmental compliance techniques allowing efficient, profitable production to be sustained at all times.

(2) This plan shall be submitted to the legislature by July 1, 1992.

NEW SECTION. Sec. 12. The department, in consultation with the board, shall conduct long-range policy planning surveys to determine the best options and alternative economic programs for long-term development in the timber-impacted counties of the state of Washington. These surveys are to include:

(1) A survey of the feasibility of developing telecommuting businesses;

(2) A growers' marketing cooperative for alternative forest products;

(3) Strengthening the business assistance center concept in the timber-impacted areas to insure expanding and new businesses will be able to have all inquiries answered at one governmental agency;

(4) A survey and recommendation by the department to develop small business relocation grants to encourage the influx of new business to the timber-impacted counties;

(5) Expansion of the Washington market place program including: The development of a wood products manufacturers network to encourage cooperative product marketing and expanded export assistance;

(6) The department and the board shall conduct a survey to determine the actual future employment needs and jobs skills in the timber-impacted areas.

The Washington state air transportation commission shall conduct a study of the possibility of locating an airport facility designed to relieve air traffic overflow from Seattle-Tacoma international airport in Grays Harbor county.

The commission shall consider airport facilities currently in use in Grays Harbor county, the property set aside at the uncompleted Satsop nuclear site, the distance from operating port facilities, the desires of the community, and linkage with the Interstate 5 corridor by rapid transit rail service.

NEW SECTION. Sec. 13. (1) Through an interagency agreement with the department, the employment security department shall provide enhanced retraining, support services, and job search assistance, including an out-of-area job search and relocation component, if needed, for dislocated workers in the timber-impacted areas. For the purpose of this section "dislocated workers" means workers in the timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters. Training and retraining assistance shall be designed to contribute to the diversification of the economy of the timber-impacted areas or to relieve economic dislocation and distress in the timber-impacted areas resulting from the sudden and severe loss of local sources of employment.

(2) The employment security department shall consult with and may subcontract with local educational institutions, local businesses, local labor organizations, local associate development organizations, local private industry councils, local social service organizations, and local governments in carrying out this program of training and services for dislocated workers in the timber-impacted areas.

(3) Training and retraining assistance provided under sections 1 through 13 of this act should include but need not be limited to the following areas: Entrepreneurial development and training; short-term job creation; training in the incubation of new business enterprises and training at incubator facilities; agriculture, agricultural processing, and agricultural services; the industrial applications of advanced technology; recreational and tourism development; and training through the self-employment and enterprise development (SEED) program. The department of social and health services shall help families and workers make the transition through economic difficulties and provide workers with marketable skills. Funding shall be coordinated through the board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs.

(4) Such services shall be either direct or referral services to the unemployed, and should include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(5) The employment security department shall coordinate the services provided in this section with all other services provided by the department and with the other economic recovery efforts undertaken by state and local government agencies on behalf of the timber-impacted areas.

(6) Subcontractors shall conduct outreach efforts to encourage the unemployed to seek assistance.

(7) The department shall make every effort to procure additional federal and other moneys for the efforts enumerated in this section.

NEW SECTION. Sec. 14. A new section is added to chapter 43.20A RCW to read as follows:

The department of social and health services shall employ a social services subordinator appointed by the governor under section 3 of this act. The social services subordinator shall facilitate the department's activities within timber-impacted regions and coordinate social programs with the employment security department, the state board for vocational education, the state board for community college education, and the department of social and health services.

NEW SECTION. Sec. 15. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 16 through 20 of this act:

(1) "Department" means the employment security department.

(2) "Dislocated workers" means workers in the timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters.

(3) "Timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

(4) "Program" or "counter-cyclical program" means the program for dislocated workers administered by the employment security department in conjunction with the department of natural resources.

(5) "Enrollee" means any person enrolled in the counter-cyclical program.

NEW SECTION. Sec. 16. (1) The counter-cyclical program for dislocated workers is established in the department. The program shall provide forest-related employment and job retraining assistance to unemployed dislocated workers residing in timber impact areas. The department shall notify dislocated workers receiving unemployment benefits, or who have exhausted unemployment benefits of their eligibility for the program.

(2) The department of natural resources shall employ candidates for the counter-cyclical program from a pool of eligible dislocated workers developed by the department.

NEW SECTION. Sec. 17. The department shall contract with the department of natural resources to provide employment opportunities for not less than two hundred eligible enrollees. Employment opportunities under the counter-cyclical program shall consist of activities that improve the value of state lands and waters managed by the department of natural resources. These activities may include, but are not limited to, thinning and precommercial thinning, pruning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, development and maintenance of tourist facilities, stream enhancement.

NEW SECTION. Sec. 18. Enrollees in the counter-cyclical program shall receive medical and dental benefits as provided under chapter 41.05 RCW, but are exempt from the provisions of chapter 41.06 RCW. Compensation for the counter-cyclical program shall be at least nine dollars per hour of employment. Employees shall not work more than thirty-two hours each week in this program and must agree to participate in the career orientation program established in this chapter, under the department. Participation in the counter-cyclical program is limited to six months. Employment under the program shall not result in the displacement or partial displacement of currently employed workers. This includes, but is not limited to, state employees or currently or normally contracted service employees.

NEW SECTION. Sec. 19. The department shall develop a career orientation program for enrollees in the counter-cyclical program. The department shall provide at least eight hours of career counseling each week for enrollees in this program. The career orientation program shall include, but is not limited to, counseling on employment options and assistance in accessing retraining programs, and assistance in accessing social service programs.

NEW SECTION. Sec. 20. The department of natural resources shall provide compensation for enrollees in this program as provided under section 18 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 50.22 RCW to read as follows:

A program to provide training and extended benefits for unemployed forest products workers is established. The program shall begin on the third Sunday after the effective date of this section. The program shall provide that:

(1) To be eligible for the program, a person must:

(a) Be a worker who resides or works in a timber-impacted area defined in section 2 of this act or a forest products worker defined in section 2 of this act residing or working anywhere in the state who (i) has been terminated or laid off, or received a notice of termination or layoff from employment and is eligible for or has exhausted his or her entitlement to benefits under Title 50 RCW; (ii) has been terminated as a result of any permanent plant closure; (iii) is long-term unemployed and is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (iv) is a farmer or other self-employed individual who has been displaced due to economic conditions or natural disasters; and

(b) Have six hundred eighty hours of employment in four of the last five completed calendar quarters prior to his or her application for unemployment compensation benefits.

(2) The department shall notify potentially eligible persons who apply for unemployment compensation benefits of the provisions of this section.

(3) Eligible persons shall develop individual training plans and submit the plans to the commissioner for approval.

(4) If a training plan is approved by the commissioner within the first twenty-four weeks of a person's unemployment compensation claim or within twenty-four weeks of the effective date of this section, whichever is later, the person shall be eligible for extended benefits under subsection (5) of this section and for tuition waivers under section 22 of this act.

(5) Persons eligible under subsections (1) and (4) of this section who are either enrolled in a training course that has been approved by the commissioner or have applied to and are waiting for admission into an approved training course are eligible for extended benefits for an additional twenty-six weeks. Total unemployment compensation benefits may not exceed fifty-two times the eligible person's weekly benefit amount reduced by other state or federal unemployment benefits available for the same weeks of unemployment.

(6) Benefits paid pursuant to this section shall be paid under the same terms and conditions as extended benefits and shall not be charged to the experience rating accounts of individual employers.

(7) The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 22. A new section is added to chapter 28B.15 RCW to read as follows:

Unemployed dislocated forest workers eligible for benefits under section 21 of this act who comply with all requirements for admittance shall be admitted to and may attend any public four-year institution of higher education, community college, or vocational-technical institution that has space available without paying tuition and service and activity fees for courses approved by the commissioner of employment security under section 21 of this act. A tuition waiver is limited to a maximum of six academic quarters, four semesters, or the equivalent of two academic years of full-time study.

This section shall expire on June 30, 1996.

Sec. 23. RCW 28B.15.740 and 1989 c 340 s 2 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community

college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsections (2) and (3) of this section.

(2) Except as provided in subsection (3) of this section, the total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under RCW 28B.15.556 and the waivers under section 22 of this act for unemployed forest products workers or workers who reside in timber-impacted areas defined in section 2 of this act are not subject to the limitation under this section.

(3) In addition to the tuition and fee waivers provided in subsection (2) of this section and subject to the provisions of RCW 28B.15.455 and 28B.15.460, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, not to exceed one percent, as calculated in subsection (2) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

Sec. 24. RCW 70.47.010 and 1987 1st ex.s. c 5 s 3 are each amended to read as follows:

(1) The legislature finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women who are an especially vulnerable population, along with their children, and who need greater access to managed health care.

(2) The purpose of this chapter is to provide necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care

services. To that end, this chapter establishes a program to be made available to those residents under sixty-five years of age not otherwise eligible for medicare with gross family income at or below two hundred percent of the federal poverty guidelines or a dislocated worker as defined in RCW 70.47.020 who share in the cost of receiving basic health care services from a managed health care system.

(3) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(4) The program authorized under this chapter is strictly limited in respect to the total number of individuals who may be allowed to participate and the specific areas within the state where it may be established. All such restrictions or limitations shall remain in full force and effect until quantifiable evidence based upon the actual operation of the program, including detailed cost benefit analysis, has been presented to the legislature and the legislature, by specific act at that time, may then modify such limitations.

Sec. 25. RCW 70.47.020 and 1987 1st ex.s. c 5 s 4 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator.

(3) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(4) "Enrollee" means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five and not otherwise eligible for medicare, who resides in an area of the state served by a managed health care system participating in the plan, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, or a dislocated worker as defined in this section who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan.

(5) "Subsidy" means the difference between the amount of periodic payment the administrator makes, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the amount determined to be the enrollee's responsibility under RCW 70.47.060(2).

(6) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an enrollee makes to the plan as consideration for enrollment in the plan.

(7) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that system.

(8) "Dislocated workers" means workers in timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term

unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters.

Sec. 26. RCW 70.47.060 and 1991 c 3 s 339 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080, and such other factors as the administrator deems appropriate.

(2) To design and implement a structure of periodic premiums due the administrator from enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan.

(3) To design and implement a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(4) To design and implement, in concert with a sufficient number of potential providers in a discrete area, an enrollee financial participation structure, separate from that otherwise established under this chapter, that has the following characteristics:

(a) Nominal premiums that are based upon ability to pay, but not set at a level that would discourage enrollment;

(b) A modified fee-for-services payment schedule for providers;

(c) Coinsurance rates that are established based on specific service and procedure costs and the enrollee's ability to pay for the care. However, coinsurance rates for families with incomes below one hundred twenty percent of the federal poverty level shall be nominal. No coinsurance shall be required for specific proven prevention programs, such as prenatal care. The coinsurance rate levels shall not have a measurable negative effect upon the enrollee's health status; and

(d) A case management system that fosters a provider-enrollee relationship whereby, in an effort to control cost, maintain or improve the health status of the enrollee, and maximize patient involvement in her or his health care decision-making process, every effort is made by the provider to inform the enrollee of the cost of the specific services and procedures and related health benefits.

The potential financial liability of the plan to any such providers shall not exceed in the aggregate an amount greater than that which might otherwise have been incurred by the plan on the basis of the number of enrollees multiplied by the average of the prepaid capitated rates negotiated with participating managed health care systems under RCW 70.47.100 and reduced by any sums charged enrollees on the basis of the coinsurance rates that are established under this subsection.

(5) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists.

(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080.

In the selection of any area of the state for the initial operation of the plan, the administrator shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts with managed health care systems in discrete geographic areas within at least five congressional districts.

(7) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state.

(8) To receive periodic premiums from enrollees and employers, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(9) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums or status as a dislocated worker. An enrollee who remains current in payment of the sliding-scale premium, as determined under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level or whose status as a dislocated worker has changed, may continue enrollment unless and until the enrollee's gross family income has remained above twice the poverty level for six consecutive months, by making payment at the unsubsidized rate required for the managed health care system in which he or she may be enrolled. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level, who is a dislocated worker, or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to re-enroll in the plan.

(10) To require that prospective enrollees who may be eligible for categorically needy medical coverage under RCW 74.09.510 or whose income does not exceed the medically needy income level under RCW 74.09.700 apply for such coverage, but the administrator shall enroll the individuals in the plan pending the determination of eligibility under chapter 74.09 RCW.

(11) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems,

economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(12) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the administrator. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(13) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as the administrator deems appropriate.

(14) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(15) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(16) To provide, consistent with available resources, technical assistance for rural health activities that endeavor to develop needed health care services in rural parts of the state.

Sec. 27. RCW 70.47.080 and 1987 1st ex.s. c 5 s 10 are each amended to read as follows:

On and after July 1, 1988, the administrator shall accept for enrollment applicants eligible to receive covered basic health care services from the respective managed health care systems which are then participating in the plan. The administrator shall not allow the total enrollment of those eligible for subsidies to exceed thirty thousand.

Thereafter, total enrollment shall not exceed the number established by the legislature in any act appropriating funds to the plan.

Before July 1, 1988, the administrator shall endeavor to secure participation contracts from managed health care systems in discrete geographic areas within at least five congressional districts of the state and in such manner as to allow residents of both urban and rural areas access to enrollment in the plan. The administrator shall make a special effort to secure agreements with health care providers in one such area that meets the requirements set forth in RCW 70.47.060(4).

The administrator shall at all times closely monitor growth patterns of enrollment so as not to exceed that consistent with the orderly development of the plan as a whole, in any area of the state or in any participating managed health care system.

This section shall not apply to those areas where there are enrollees designated as dislocated workers.

NEW SECTION. Sec. 28. (1) The Pacific Northwest export assistance project is hereby created for the following purposes:

(a) To assist small to medium-sized manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars with comprehensive services for designing and managing introductory export strategies and in securing financing and credit guarantees for export transactions;

(b) To provide, in cooperation with the export promotion services offered by the department of trade and economic development and the Washington state department of agriculture, information and assistance to businesses with gross annual revenues less than

twenty-five million dollars about the methods and procedures of structuring company specific export financing and credit guarantee alternatives; or

(c) To provide information to their clients about opportunities in organizing cooperative export networks, foreign sales corporations, or export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

(2) The Pacific Northwest export assistance project is a separate branch of the small business export finance assistance center for accounting and auditing purposes.

(3) The Pacific Northwest export assistance project is subject to the authority of the small business export finance assistance center, under RCW 43.210.020, and shall be governed and managed by the board of directors, under RCW 43.210.030.

NEW SECTION. Sec. 29. (1) The small business export finance assistance center has the following powers and duties when exercising its authority under section 28(3) of this act:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding

allocated for educational services based on the availability of resources in the operating budget of the budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. The Pacific Northwest export assistance project is an innovative program for the promotion of international trade. As such, the project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of trade and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in sections 28 through 31 of this act; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

NEW SECTION. Sec. 30. The department of trade and economic development shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of sections 28 through 31 of this act.

NEW SECTION. Sec. 31. The small business export finance assistance center fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of funding the services of the small business export finance assistance center and its projects under this chapter. Only the director of the department of trade and economic development or the director's designee may authorize expenditures from the fund. The director of the department of trade and economic development shall not withhold funds appropriated for the administration of the small business export finance assistance center and its projects, if the small business export finance assistance center complies with the provisions of its contract under RCW 43.210.050 and section 28 of this act. Funding appropriated by the state of Washington shall not be used to provide services to other states or provinces. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 32. RCW 43.210.030 and 1985 c 231 s 3 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of ~~((seventeen))~~ nineteen directors appointed by the governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be ~~((a representative of the governor,))~~ one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade range and west of the Columbia river, ~~((and))~~ one representative of business from the area east of the Columbia river, the director of the department of trade and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The

directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; ~~((and))~~ (c) ~~((two))~~ one representative~~((s))~~ of ~~((companies))~~ a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

Sec. 33. RCW 43.210.050 and 1985 c 466 s 64 and 1985 c 231 s 5 are each reenacted and amended to read as follows:

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 ~~((is eligible to receive consideration for))~~ shall enter into a contract under this chapter ((from the)) with the department of trade and economic development or its statutory successor. The contract shall require the center to provide export assistance services, ((may not have a duration of longer than two years,)) consistent with sections 28 through 31 of this act, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report ((at least twice)) annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the Pacific Northwest export assistance project. The provisions of the contract related to the Pacific Northwest export assistance project may be changed at any time if the director of the department of trade and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of trade and economic development and the small business export finance assistance center when the Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture. The department of trade and economic development, the small business export finance assistance center, and, if appropriate, the department of agriculture, shall report annually, as one group, to the appropriate legislative oversight committees on the progress of the Pacific Northwest export assistance project.

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

- (1) RCW 43.131.325 and 1985 c 231 s 10; and
- (2) RCW 43.131.326 and 1985 c 231 s 11.

NEW SECTION. Sec. 35. A new section is added to chapter 43.131 RCW to read as follows:

The Pacific Northwest export assistance project shall be terminated on June 30, 1996, as provided in section 36 of this act.

NEW SECTION. Sec. 36. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) RCW 43.210.--- and 1991 c -- s 28 (section 28 of this act);
- (2) RCW 43.210.--- and 1991 c -- s 29 (section 29 of this act);
- (3) RCW 43.210.--- and 1991 c -- s 30 (section 30 of this act); and
- (4) RCW 43.210.--- and 1991 c -- s 31 (section 31 of this act).

Sec. 37. RCW 82.60.020 and 1988 c 42 s 16 are each amended to read as follows:

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

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989. However, counties eligible under section 2 of this act may file an application by July 1, 1993.

(4)(a) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; or

(iii) Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a

manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) "Recipient" means a person receiving a tax deferral under this chapter.

(12) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 38. RCW 82.62.010 and 1988 c 42 s 17 are each amended to read as follows:

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

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means: (a) A county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent; or (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (3)(b) shall be filed by April 30, 1989. However, counties eligible under section 2 of this act may file an application by July 1, 1993.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) "Manufacturing" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) "Person" has the meaning given in RCW 82.04.030.

(7) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) "Tax year" means the calendar year in which taxes are due.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of

prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 39. RCW 43.168.020 and 1988 c 42 s 18 are each amended to read as follows:

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

(1) "Committee" means the Washington state development loan fund committee.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; ~~((€))~~ (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under section 2 of this act if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

NEW SECTION. Sec. 40. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 40 through 46 of this act.

(1) "Timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

(2) "Permanent residence" means the residence in which an individual resides on a full-time basis, as of the effective date of this section, including but not limited to: Detached, semidetached, or townhouse units; modular homes; condominium units; or manufactured housing units.

(3) "Program" means the emergency mortgage and rental assistance program.

NEW SECTION. Sec. 41. The department shall establish and administer the emergency mortgage and rental assistance program. The department shall select at least five eligible organizations for the purposes of implementing the program in their local communities. "Eligible organizations" are those organizations eligible to receive assistance through the Washington housing trust fund. When appropriate, the department shall coordinate with the local timber task force in the selection of an organization to

implement the program. Selected organizations shall work with the local timber task forces in the implementation of the program.

NEW SECTION. Sec. 42. The goals of the program are to:

(1) Provide temporary emergency mortgage or rental assistance to households that, because of their loss of employment in the timber industry, are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(2) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(3) Maintain the economic and social stability of timber-dependent communities.

NEW SECTION. Sec. 43. Emergency mortgage assistance shall be provided under the following guidelines:

(1) Loans provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loan payments shall be made directly to the mortgage lender.

(5) Loans shall be granted on a first-come, first-served basis.

(6) Repayment of loans provided under the program must not take more than twenty years.

(7) The department may provide for emergency short-term loans.

NEW SECTION. Sec. 44. Emergency rental assistance shall be provided under the following guidelines:

(1) Rental assistance provided under this program may be in the form of loans or grants and shall not exceed an amount equal to twenty-four months of rental payments.

(2) Rental assistance shall be made to applicants who meet specific income guidelines established by the department.

(3) Rental payments shall be made directly to the landlord.

(4) Rental assistance shall be provided on a first-come, first-served basis.

NEW SECTION. Sec. 45. To be eligible for assistance under the program, an applicant must:

(1) Be unable to keep mortgage or rental payments current, due to a temporary loss of employment in the timber industry and shall be at significant risk of eviction;

(2) Have his or her permanent residence located in a timber-dependent community;

(3) When requesting emergency mortgage assistance, be the owner of an equitable interest in the permanent residence and intend to reside in the home being financed;

(4) Be actively seeking new employment or be enrolled in a training program approved by the director; and

(5) Submit an application for assistance by June 30, 1996.

NEW SECTION. Sec. 46. The department shall carry out the following duties:

(1) Administer the program;

(2) Identify local organizations to implement the program;

(3) Develop and adopt the necessary rules for implementation of the program;

(4) Establish the interest rate for repayment of loans at two percent below the market rate;

(5) Work with lending institutions and social service providers in timber-dependent communities to assure that all eligible households are informed about the program;

(6) Utilize federal and state programs that complement or facilitate carrying out the program;

(7) Evaluate the program's effectiveness;

(8) Submit a report to the senate commerce and labor committee and the house of representatives housing committee by January 31, 1992.

NEW SECTION. Sec. 47. Sections 48 through 56 of this act may be known and cited as the affordable housing act.

NEW SECTION. Sec. 48. (1) The legislature finds and declares that the cutbacks in allowable sales of old growth timber has resulted in severe losses of personal income and has made even greater the need for affordable housing. The legislature also finds and declares that there is a tremendous unmet need for new housing to shelter Washington's population. The unmet housing needs will be further aggravated by the severe cutbacks in federal housing programs.

(2) The legislature finds and declares that our existing housing resources are vastly underutilized due in large part to the changes in social patterns. The improved utilization of this state's existing housing resources offers an innovative and cost-effective solution to this housing crisis.

(3) The legislature finds and declares that the state has a role in increasing the utilization of our housing resources and in reducing the barriers to the provision of affordable housing.

(4) The legislature finds and declares that there are many benefits associated with the creation of second-family residential units on existing single-family lots, which include:

(a) Providing a cost-effective means of serving development through the use of existing infrastructures, as contrasted to requiring the construction of new costly infrastructures to serve development in undeveloped areas; and

(b) Providing relatively affordable housing for low and moderate-income households without public subsidy.

NEW SECTION. Sec. 49. A new section is added to chapter 35.63 RCW to read as follows:

Each city may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 50. A new section is added to chapter 35A.63 RCW to read as follows:

Each code city may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 51. A new section is added to chapter 36.70 RCW to read as follows:

Each county may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 52. A new section is added to chapter 36.70A RCW to read as follows:

Each city and county may issue a zoning variance, special use permit, or conditional use permit for a dwelling unit to be constructed, or which is attached to or detached from, a primary residence on a parcel zoned for a single-family residence.

NEW SECTION. Sec. 53. A new section is added to chapter 35.63 RCW to read as follows:

(1) Each city and county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each city where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each city may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each city may establish a process for the issuance of a conditional use permit for second units.

(2) When a city which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1992, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each city shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area;

(f) The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet;

(g) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(h) Local building code requirements which apply to detached dwellings, as appropriate; and

(i) Approval by the local health officer where a private sewage disposal system is being used, if required.

(3)(a) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under subsection (2) of this section.

(b) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a city may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(c) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(d) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(e) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan

and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) A city shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 54. A new section is added to chapter 35A.63 RCW to read as follows:

(1) Each code city may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each code city where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each code city may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each code city may establish a process for the issuance of a conditional use permit for second units.

(2) When a code city which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1992, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each code city shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area;

(f) The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet;

(g) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(h) Local building code requirements which apply to detached dwellings, as appropriate; and

(i) Approval by the local health officer where a private sewage disposal system is being used, if required.

(3)(a) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under subsection (2) of this section.

(b) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a code city may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(c) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(d) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(e) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) A code city shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 55. A new section is added to chapter 36.70 RCW to read as follows:

(1) Each county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each county where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each county may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each county may establish a process for the issuance of a conditional use permit for second units.

(2) When a county which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1992, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each county shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area;

(f) The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet;

(g) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(h) Local building code requirements which apply to detached dwellings, as appropriate; and

(i) Approval by the local health officer where a private sewage disposal system is being used, if required.

(3)(a) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under subsection (2) of this section.

(b) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a county may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(c) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(d) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(e) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) A county shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

NEW SECTION. Sec. 56. A new section is added to chapter 36.70A RCW to read as follows:

(1) Each city and county may, by ordinance, provide for the creation of second units in single-family and multifamily residential zones consistent with all of the following provisions:

(a) Areas may be designated within the jurisdiction of each city and county where second units may be permitted;

(b) The designation of areas may be based on criteria, which may include, but are not limited to, the adequacy of water and sewer services and the impact of second units on traffic flow;

(c) Each city and county may find that second units do not exceed the allowable density for the lot upon which the second unit is located, and that second units are a

residential use that is consistent with the existing general plan and zoning designation for the lot;

(d) The second units created shall not be considered in the application of any local ordinance, policy, or program to limit residential growth; and

(e) Each city and county may establish a process for the issuance of a conditional use permit for second units.

(2) When a city or county which has not adopted an ordinance governing second units in accordance with subsection (1) of this section receives its first application on or after July 1, 1992, for a conditional use permit pursuant to this subsection, it shall accept the application and approve or disapprove the application pursuant to this subsection unless it adopts an ordinance in accordance with subsection (1) of this section within one hundred twenty days after receiving the application. Each city or county shall grant a special use or a conditional use permit for the creation of a second unit if the second unit complies with all of the following:

(a) The unit is not intended for sale and may be rented;

(b) The lot is zoned for single-family or multifamily use;

(c) The lot contains an existing single-family dwelling;

(d) The second unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling;

(e) Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area;

(f) The total area of floor space for a detached second unit shall not exceed one thousand two hundred square feet;

(g) Any construction shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located;

(h) Local building code requirements which apply to detached dwellings, as appropriate; and

(i) Approval by the local health officer where a private sewage disposal system is being used, if required.

(3)(a) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under subsection (2) of this section.

(b) Subsection (2) of this section establishes the maximum standards that local agencies shall use to evaluate proposed second units on lots zoned for residential use which contain an existing single-family dwelling. No additional standards, other than those provided in subsection (1) or (2) of this section, shall be utilized or imposed, except that a city and county may require an applicant for a permit issued pursuant to subsection (2) of this section to be an owner-occupant.

(c) This subsection does not limit the authority of local agencies to adopt less restrictive requirements for the creation of second units.

(d) No changes in zoning ordinances or other ordinances or any changes in the general plan shall be required to implement this subsection. Any local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of second units if these provisions are consistent with the limitations of this subsection.

(e) A second unit which conforms to the requirements of this subsection shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the existing general plan and zoning designations for the lot. The second units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) A city or county shall not adopt an ordinance which totally precludes second units within single-family and multifamily zoned areas unless the ordinance contains

findings acknowledging that the ordinance may limit housing opportunities of the region and further contains findings that specific adverse impacts on the public health, safety, and welfare that would result from allowing second units within single-family and multifamily zoned areas justify adopting the ordinance.

(4) The designation of areas by a city or county where second units may be permitted shall constitute evidence that a city or county is making progress in meeting its fair share affordable housing goals. For purposes of this section, "fair share affordable housing goals" means a goal established pursuant to a regional policy plan process for each city and county that is required or chooses to plan under RCW 36.70A.040.

Sec. 57. RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the

procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Distressed areas and timber-dependent counties do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Distressed areas and timber-dependent counties generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to distressed areas and timber-dependent counties.

Sec. 58. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

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

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union, insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means a county or a city or town located within a county meeting two of the following three criteria for the most recent year such data is available:

(a) A lumber and wood products employment location quotient at or above the state average, (b) a direct lumber and wood products job loss of one hundred positions or more, or (c) an annual unemployment rate twenty percent above the state average.

NEW SECTION. Sec. 59. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that small scale tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a small scale tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for small scale tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

NEW SECTION. Sec. 60. A new section is added to chapter 43.160 RCW to read as follows:

The board shall establish guidelines for making grants and loans to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(1) A process to equitably compare and evaluate applications from competing communities.

(2) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (a) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (b) an analysis that establishes the project is feasible using standard economic principles; and (c) an explanation from the applicant regarding how the project is consistent with the communities', economic strategy and goals.

(3) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

Sec. 61. RCW 43.160.076 and 1985 c 446 s 6 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least ~~((twenty))~~ fifty percent for grants and loans for projects in distressed counties or timber impact areas. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent or timber impact areas.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or timber impact areas are clearly insufficient to use up the ~~((twenty))~~ fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or timber impact areas.

NEW SECTION. Sec. 62. (1) For the period beginning July 1, 1991, and ending June 30, 1993, in those areas designated by the department of community development as timber impact areas under section 2 of this act, the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 63 of this act, "public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The community economic revitalization board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

NEW SECTION. Sec. 63. (1) As authorized by section 62 of this act, the board shall establish criteria for awarding loans to local governments including, but not limited to, the following:

(a) If a county or city, the local government must be imposing the tax authorized by chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have in place a capital improvement plan meeting standards established by the board and an economic development plan meeting standards established by the department;

(c) The local economy must have experienced or be about to experience employment losses due to the timber economy;

(d) The proposed project must provide an opportunity to create or retain jobs within the local economy. Priority may be given to those projects that provide an opportunity to retain or create jobs for the pool of local workers affected by the timber economy;

(e) The local government must provide reasonable assurances of its ability to repay the debt; and

(f) The local government must meet any additional guidelines and criteria established by the board for awarding loan funds.

(2) Existing debt or other financial obligations of the local government shall not be refinanced under this section and section 62 of this act.

(3) The board shall award loans only to those projects that meet the criteria and will fulfill the purpose of this section and section 62 of this act. Any funds not obligated at the close of the biennium shall be returned to the public works assistance account.

NEW SECTION. Sec. 64. The board shall provide to the office of financial management and the legislative fiscal committees a report by January 15, 1994, on the loans awarded through the biennium ending June 30, 1993.

NEW SECTION. Sec. 65. To the extent that funds are specifically appropriated therefor, the state board for community college education shall provide training and retraining in timber-dependent communities as follows:

(1) Disbursement of funds to individual community colleges for supplemental slots in cases where enrollment demand exceeds allocation;

(2) Pilot projects for innovative approaches to literacy and employment training;

(3) Personnel and equipment for cranberry industry research, coordinated by the Washington state university coastal research unit, Long Beach;

(4) Grays Harbor Community College shall establish a program to train displaced timber workers to fill positions as safety training and vessel inspectors. They shall contract with those organizations deemed appropriate to carry out this program;

(5) Skagit Valley Community College shall establish a program to train displaced timber workers in natural resources technical programs in stream enhancement, including waters upstream or downstream as well as adjacent to state lands; water quality enhancement; irrigation repair; and the building of shellfish beds;

(6) Agricultural development, diversification, marketing, and processing programs in timber-impacted areas under sections 1 through 13 of this act. The department of trade and economic development shall contract with local organizations, institutions, or agencies to:

(a) Seek to increase the utilization of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the timber-impacted regions;

(b) Seek to increase the coordination and effectiveness of existing federal, state, and local programs for agricultural development, diversification, marketing, and processing in the timber-impacted areas; and

(c) Undertake efforts to promote and further the existing strengths of the timber-impacted areas in the value-added program. To accomplish this the department shall provide a targeted industry strategy to increase the amount of value added to each board foot of timber harvested. The department shall provide technical assistance, plant-specific feasibility studies, additional industrial extension and outreach efforts, plus market development.

No contract may be entered into under this section until the department has consulted with the board.

For the purpose of this section, enrollment restrictions shall not apply in the community colleges in timber-impacted communities.

NEW SECTION. Sec. 66. To the extent that funds are specifically appropriated therefor, the department of community development shall develop a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The focus of this effort is to provide resources and technical assistance to local community leaders to carry out locally determined economic development projects.

NEW SECTION. Sec. 67. To the extent that funds are specifically appropriated therefor, the employment security department shall establish and maintain a job service message center for displaced workers without phone service. The voice-mail service shall allow twenty-four hour access to phone messages from employers for job prospects and from case managers who provide essential employment and support services.

NEW SECTION. Sec. 68. To the extent that funds are specifically appropriated therefor, the department of community development shall enhance the two reemployment centers in timber-dependent communities in order to continue providing referral services, counseling, and support.

NEW SECTION. Sec. 69. To the extent that funds are specifically appropriated therefor, the University of Washington shall establish a research center for natural resources on the Olympic Peninsula. The center shall conduct research for forest

resources and marine resources and shall coordinate research in marine resources with Grays Harbor and Peninsula Community Colleges.

NEW SECTION. Sec. 70. It is the intent of the legislature by enacting section 71 through 75 of this act to provide:

- (1) Training and retraining opportunities for timber workers;
- (2) Additional opportunities for dislocated workers and residents of timber impact areas to attend local community colleges;
- (3) Educational opportunities to dislocated workers who reside in areas where access to a four-year institution of higher education is not available;
- (4) Educational opportunities in those communities that are most severely impacted by job losses in the timber industry; and
- (5) A means for dislocated workers to remain gainfully employed within their communities.

NEW SECTION. Sec. 71. A new section is added to chapter 28B.50 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 72 through 75 of this act.

- (1) "Board" means the state board for community college education.
- (2) "Dislocated workers" means workers in the timber-impacted areas who (a) have been terminated or laid off, or received a notice of termination or layoff from employment and are eligible for or have exhausted their entitlement to benefits under Title 50 RCW; (b) have been terminated as a result of any permanent plant closure; (c) are long-term unemployed and are unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry; or (d) are farmers or other self-employed individuals who have been displaced due to economic conditions or natural disasters.

- (3) "Timber impact area" means a county or city or town located within a county meeting two of the following three criteria for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; or (c) an annual unemployment rate twenty percent above the state average.

NEW SECTION. Sec. 72. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall administer a program designed to provide higher education opportunities to dislocated workers or their spouses. In administering the program, the board shall have the following powers and duties:

- (1) Appoint an advisory committee to assist the board in program design and funding distribution;
- (2) Allocate funding to community colleges attended by eligible dislocated workers;
- (3) Monitor the program and report on students' progress and outcome; and
- (4) Report to the legislature by December 1, 1993, on the status of the program.

NEW SECTION. Sec. 73. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall administer a program designed to provide upper division higher education opportunities to dislocated workers, their spouses, and others in timber impact areas. In administering the program, the board shall have the following powers and duties:

- (1) Distribute funding for an institution of higher education to service Clallam county;
- (2) Appoint an advisory committee to assist the board in program design and future project selection;
- (3) Monitor the program and report on student progress and outcome; and
- (4) Report to the legislature by December 1, 1993, on the status of the program.

NEW SECTION. Sec. 74. A new section is added to chapter 28B.80 RCW to read as follows:

In consultation with Peninsula College, the higher education coordinating board shall contract with an institution of higher education to provide upper division classes to serve fifty full-time equivalent students per year in Clallam county. The institution shall utilize telecommunication technology, if available, to carry out the purposes of this section. The institution providing the service shall waive the tuition, service, and activities fees for dislocated workers or their spouses enrolled as one of the full-time equivalent students allocated to the college under this section, provided the dislocated worker provides verification of the following conditions:

(1) The dislocated worker, within the five years before enrolling as a student, was employed in the timber industry on a full-time basis for at least six months of each year; and

(2) The unemployment of the dislocated worker is due to reduction in work force and not misconduct of the timber worker;

The dislocated worker or his or her spouse is eligible to receive waivers for a total of four semesters or six quarters within a two-year time period and must be enrolled for a minimum of ten credits per semester or quarter.

NEW SECTION. Sec. 75. A new section is added to chapter 28B.80 RCW to read as follows:

Dislocated workers and their spouses shall receive priority for attendance in upper division courses allocated under section 74 of this act, offered in Clallam county. Remaining allocations may be distributed to others in the timber impact area.

Sec. 76. RCW 43.17.065 and 1990 1st ex.s. c 17 s 77 are each amended to read as follows:

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

(2)(a) The legislature finds that timber-dependent communities and distressed counties, as defined in RCW 43.160.020, are located predominately in areas characterized by little or no growth. These areas impact the environment less than areas of high growth. These timber-dependent communities and distressed counties need sites for industrial and economic development with infrastructure in place as soon as possible to help revitalize their local economies.

(b) Any state agency in which subsection (1) of this section applies shall adopt, by August 1, 1991, an expedited process for the fast and efficient processing of any permits or other actions that are necessary for economic development in timber-dependent communities and distressed counties.

Sec. 77. RCW 53.36.030 and 1990 c 254 s 1 are each amended to read as follows:

((A)) (1)(a) Except as provided in (b) of this subsection, a port district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the value of the taxable property in the district((; and)).

(b) Port districts having both a comprehensive scheme of harbor improvements and industrial developments or amendments thereto and a long-term finance plan that have been filed with the department of community development and having less than eight hundred million dollars in value of taxable property may at anytime contract indebtedness or borrow money for district purposes, and may issue general obligation bonds therefor

not exceeding an amount, combined with existing indebtedness of the district not authorized by the voters, of three-eighths of one percent of the value of the taxable property in the district.

(2) With the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, a port district may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three-fourths of one percent of the value of the taxable property in the district(~~(= PROVIDED FURTHER, That)).~~).

(3) In addition to the indebtedness authorized under subsections (1) and (2) of this section, port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-eighth of one percent of the value of the taxable property in the district without authorization by the voters; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional three-eighths of one percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed one and one-fourth percent of the value of the taxable property in the district.

(4) Any port district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(5) Elections required under this section shall be held as provided in RCW 39.36.050.

(6) For the purpose of this section, "indebtedness of the district" shall not include any debt of a county-wide district with a population less than twenty-five hundred people when the debt is secured by a mortgage on property leased to the federal government; and the term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

~~((Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.))~~

NEW SECTION. Sec. 78. If specific funding for the purposes of sections 3 through 5 of this act, referencing sections 3 through 5 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 3 through 5 of this act shall be null and void.

NEW SECTION. Sec. 79. If specific funding for the purposes of sections 6 through 13 of this act, referencing sections 6 through 13 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 13 of this act shall be null and void.

NEW SECTION. Sec. 80. If specific funding for the purposes of section 14 of this act, referencing section 14 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 14 of this act shall be null and void.

NEW SECTION. Sec. 81. If specific funding for the purposes of sections 15 through 20 of this act, referencing sections 15 through 20 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 15 through 20 of this act shall be null and void.

NEW SECTION. Sec. 82. If specific funding for the purposes of section 21 of this act, referencing section 21 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 21 of this act shall be null and void.

NEW SECTION. Sec. 83. If specific funding for the purposes of sections 24 through 27 of this act, referencing sections 24 through 27 of this act by bill and section

number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 24 through 27 of this act shall be null and void.

NEW SECTION. Sec. 84. If specific funding for the purposes of sections 28 through 36 of this act, referencing sections 28 through 36 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 28 through 36 of this act shall be null and void.

NEW SECTION. Sec. 85. If specific funding for the purposes of sections 40 through 46 of this act, referencing sections 40 through 46 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 40 through 46 of this act shall be null and void.

NEW SECTION. Sec. 86. If specific funding for the purposes of sections 57 through 61 of this act, referencing sections 57 through 61 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 57 through 61 of this act shall be null and void.

NEW SECTION. Sec. 87. If specific funding for the purposes of sections 62 through 64 of this act, referencing sections 62 through 64 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 62 through 64 of this act shall be null and void.

NEW SECTION. Sec. 88. If specific funding for the purposes of sections 70 through 75 of this act, referencing sections 70 through 75 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 70 through 75 of this act shall be null and void.

NEW SECTION. Sec. 89. (1) Sections 1 through 13 of this act are each added to chapter 43.31 RCW.

(2) Sections 15 through 20 of this act shall constitute a new chapter in Title 50 RCW.

(3) Sections 28 through 31 of this act are each added to chapter 43.210 RCW.

(4) Sections 40 through 46 of this act are each added to chapter 43.63A RCW.

NEW SECTION. Sec. 90. (1) Sections 62 through 64 of this act expire on June 30, 1994.

(2) Sections 70 through 75 of this act expire on July 1, 1995.

NEW SECTION. Sec. 91. Sections 22, 23, 37 through 39, and 65 through 67 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 28B.15.740, 70.47.010, 70.47.020, 70.47.060, 70.47.080, 43.210.030, 82.60.020, 82.62.010, 43.168.020, 43.160.010, 43.160.020, 43.160.076, 43.17.065, and 53.36.030; reenacting and amending RCW 43.210.050; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 28B.15 RCW; adding new sections to chapter 43.210 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.63A RCW; adding new sections to chapter 35.63 RCW; adding new sections to chapter 35A.63 RCW; adding new sections to chapter 36.70 RCW; adding new sections to chapter 36.70A RCW; adding new sections to chapter 43.160 RCW; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.80 RCW; adding a new chapter to Title 50 RCW; creating new sections; repealing RCW 43.131.325 and 43.131.326; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Cantwell moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1341 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Cantwell, Sheldon and Bowman as conferees on Engrossed Substitute House Bill No. 1341.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate concurred in the House amendments to SENATE BILL NO. 5982, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

April 22, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5982,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5982.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Ms. Fraser, the House adjourned until 10:00 a.m., Tuesday, April 23, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDREDTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 23, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, Dorn, G. Fisher, Grant, R. Meyers, Sprenkle, Van Luven and Wood. On motion of Mr. Bray, Representatives Grant and R. Meyers were excused. On motion of Mr. Vance, Representatives Van Luven and Wood were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lynne Kremen and Kira Meyerson. Prayer was offered by Deacon Larry Sullivan of Tenino.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE GOVERNOR

April 22, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 22, 1991, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1244: Relating to employers' payment of industrial insurance premiums and unemployment compensation contributions;

SUBSTITUTE HOUSE BILL NO. 1270: Relating to reorganizing the statutes governing the state's retirement system;

HOUSE BILL NO. 1364: Relating to military leave for public employees;

SUBSTITUTE HOUSE BILL NO. 1460: Relating to drainage districts;

HOUSE BILL NO. 1607: Relating to liens for delinquent service charges of storm water control facilities and city-owned sewer systems;

HOUSE BILL NO. 1625: Relating to combined reporting for agricultural employers;

HOUSE BILL NO. 1716: Relating to county recording procedures;

SUBSTITUTE HOUSE BILL NO. 1789: Relating to limitations on filling prescriptions written by authorized prescribers not licensed in this state;

HOUSE BILL NO. 1812: Relating to stewardship assistance for owners of nonindustrial forest and woodlands;

SUBSTITUTE HOUSE BILL NO. 1824: Relating to district court jurisdiction;

SUBSTITUTE HOUSE BILL NO. 1915: Relating to employment services in mental health programs;

HOUSE BILL NO. 2073: Relating to selling controlled or counterfeit substances for profit.

Sincerely,
Thomas J. Felnagel, Counsel

April 22, 1991

To the Honorable, the House
of Representatives of
the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 5, and 10, Substitute House Bill No. 1800 entitled:

"AN ACT Relating to international relations and protocol."

This bill establishes an Office of International Relations and Protocol within the Office of the Governor and provides the office with broad powers to manage international issues affecting this state. It eliminates current responsibilities relating to this function in the Department of Trade and Economic Development.

This is a sound organizational move which I strongly support. It recognizes that activities associated with these kinds of programs are not geared solely to economic and foreign trade considerations. They also affect the broad spectrum of state and local government responsibilities, including cross-cultural exchanges, international education opportunities, global environmental impacts, scientific and agricultural issues, and many other important policy considerations. The Office of the Governor is uniquely suited to provide the statewide leadership and intergovernmental coordination that is required by this important function.

In spite of my strong agreement with the bill's intent, the measure does have some administrative/fiscal problems that were clearly identified by my office during the session. Most importantly, the bill lacks funding to carry out certain mandated responsibilities. Both the Senate and House budgets currently provide only \$134,000 for the biennium and one staff person to perform a wide variety of required duties in section 3. These functions tend to be very resource-intensive. Without additional funding, it would be difficult to comply even minimally with some of these mandates.

In addition, section 5 requires the creation of an international relations advisory committee to consist of at least 15 members. In order for this group to function properly and exercise its statutory duties, it will have to meet regularly and be afforded reimbursement for travel expenses and lodging associated with its meetings. Without sufficient funding, it would be difficult for this group to function in the manner required by the bill.

I firmly believe that an important element in effective international relations programs is to ensure that expectations are matched with actions and resources that are consistent over time. Section 3, and to some extent, section 5, raise a set of expectations about the state performing a wide range of coordinative technical assistance, and diplomatic functions without providing the resources to

carry them out. In the long run, I do not believe that will enhance our status as a credible participant in the international arena.

Section 10, which requires automatic transfer of existing employees to the new office, is inconsistent with the authority given to the Governor in section 2 to appoint staff to the program.

For these reasons, I have vetoed sections 3, 5, and 10 of this bill.

With the exception of sections 3, 5, and 10, Substitute House Bill No. 1800 is approved.

Respectfully submitted,
Booth Gardner, Governor.

MESSAGES FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL NO. 5022,
SENATE BILL NO. 5043,
SENATE BILL NO. 5075,
SECOND SUBSTITUTE SENATE BILL NO. 5083,
SENATE BILL NO. 5104,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5114,
SECOND SUBSTITUTE SENATE BILL NO. 5143,
SENATE BILL NO. 5148,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,
SUBSTITUTE SENATE BILL NO. 5204,
SENATE BILL NO. 5231,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5256,
SUBSTITUTE SENATE BILL NO. 5260,
SUBSTITUTE SENATE BILL NO. 5261,
SENATE BILL NO. 5264,
SUBSTITUTE SENATE BILL NO. 5295,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5363,
SENATE BILL NO. 5449,
SUBSTITUTE SENATE BILL NO. 5456,
SUBSTITUTE SENATE BILL NO. 5466,
SENATE BILL NO. 5473,
SUBSTITUTE SENATE BILL NO. 5478,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5494,
SUBSTITUTE SENATE BILL NO. 5497,
SUBSTITUTE SENATE BILL NO. 5501,
SENATE BILL NO. 5512,
SUBSTITUTE SENATE BILL NO. 5518,
SENATE BILL NO. 5528,
SUBSTITUTE SENATE BILL NO. 5536,
SECOND SUBSTITUTE SENATE BILL NO. 5568,
SUBSTITUTE SENATE BILL NO. 5611,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5624,
 SUBSTITUTE SENATE BILL NO. 5628,
 SUBSTITUTE SENATE BILL NO. 5632,
 SECOND SUBSTITUTE SENATE BILL NO. 5667,
 SUBSTITUTE SENATE BILL NO. 5669,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5672,
 SENATE BILL NO. 5678,
 SENATE BILL NO. 5684,
 SUBSTITUTE SENATE BILL NO. 5713,
 SUBSTITUTE SENATE BILL NO. 5720,
 SENATE BILL NO. 5766,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,
 SUBSTITUTE SENATE BILL NO. 5776,
 SENATE BILL NO. 5834,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 SENATE JOINT MEMORIAL NO. 8006,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 22, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5042,
 SUBSTITUTE SENATE BILL NO. 5045,
 SUBSTITUTE SENATE BILL NO. 5052,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5245,
 SENATE BILL NO. 5722,
 SECOND SUBSTITUTE SENATE BILL NO. 5830,
 SENATE JOINT MEMORIAL NO. 8012,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 22, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023. The President has
 appointed the following members as conferees: Senators Bailey, Rinehart and
 Anderson.

W. D. Naismith, Deputy Secretary.

April 22, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1174. The President has
 appointed the following members as conferees: Senators Bailey, Murray and
 Erwin.

W. D. Naismith, Deputy Secretary.

April 22, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1956. The President has appointed the following members as conferees: Senators Barr, Hansen and Newhouse.

W. D. Naismith, Deputy Secretary.

April 22, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED HOUSE BILL NO. 2141. The President has appointed the following members as conferees: Senators Roach, Madsen and Bluechel.

W. D. Naismith, Deputy Secretary.

Representative G. Fisher appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1642 with the following amendment:

On page 3, line 3, after "code" insert ", or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Fraser moved that the House do concur in the Senate amendment to House Bill No. 1642.

Representatives Fraser and Holland spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1642 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1642 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 3, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada,

Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Brekke, Dom, Sprenkle - 03.

Excused: Representatives Grant, Meyers, R., Van Luven, Wood - 04.

House Bill No. 1642 as amended by the Senate, having received the constitutional majority, was declared passed.

Representatives R. Meyers and Van Luven appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1675 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 92. A new section is added to chapter 4.44 RCW to read as follows:

When setting civil cases for trial, unless otherwise provided by statute, upon motion of a party, the court may give priority to cases in which a party is frail and over seventy years of age or is afflicted with a terminal illness.

On page 1, line 2 of the title, after "ill;" strike the remainder of the title and insert "and adding a new section to chapter 4.44 RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ludwig moved that the House do concur in the Senate amendments to House Bill No. 1675.

Mr. Ludwig spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1675 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1675 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 3, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Brekke, Dorn, Sprenkle - 03.

Excused: Representatives Grant, Wood - 02.

House Bill No. 1675 as amended by the Senate, having received the constitutional majority, was declared passed.

Representative Dorn appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1703 with the following amendments:

On page 8, line 1, after "renewed" strike ~~((, when required by the director, by satisfactory proof of the right to))~~ if the person provides to the department every five years verification of the need for" and insert ", when required by the director, by satisfactory proof of the right to"

On page 8, line 11, after "after a" strike "traffic infraction" and insert "((~~traffic infraction~~)) misdemeanor"

On page 21, after line 9, insert the following:

Sec. 15. RCW 46.01.140 and 1990 c 250 s 89 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of two dollars for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other

agent a fee of three dollars in addition to any other fees required by law. These ~~((additional))~~ fees, if paid to the county auditor as agent of the director, or if paid to ~~((an agent))~~ a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application ~~((= PROVIDED, That an agent of the county auditor))~~.

(3) A subagent is entitled to an additional service charge of two dollars. However, from July 1, 1991, through June 30, 1992, subagents shall collect a service fee of (a) five dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of title application or transfer and (b) two dollars and twenty-five cents for registration renewal only, issuing a transit permit, or any other service under this section.

~~((3))~~ (4) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his or her office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

NEW SECTION. Sec. 16. The director of licensing shall review the costs and revenues of all vehicle licensing agents and subagents and the benefits provided to the communities they serve and submit a report by January 15, 1992, to the legislative transportation committee including the following:

(1) Criteria for determining the costs and benefits of title and registration activities by agents and subagents;

(2) A review of the rate structure for agents and subagents;

(3) A review of other fee structures for counties and subagents;

(4) An estimate of the costs of providing each individual title and registration function;

(5) Consideration of the need for cost allocations, such as a revolving fund or other mechanisms for funding an automated licensing system;

(6) Consideration of the County Auditors' Automation Program (CAAP) system and other changes in methods of providing title and registration services since adoption of the current method of compensating agents and subagents;

(7) Recommendations for a process to allow counties to recover their full costs of vehicle title and registration activities without increasing costs to consumers;

(8) Recommendations for one standard contract to be used by the director of licensing for county auditor agents and one standard contract for subagents, with provisions in each requiring disclosure of all costs and revenues to the director, but protecting the confidentiality of this information;

(9) An examination of alternative methods of providing title and registration services.

NEW SECTION. Sec. 17. Sections 15 and 16 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 4 of the title, after "88.02.070," strike "and" and after "88.02.220" insert ", and 46.01.140"

On page 1, line 4 of the title, after "88.02.030;" strike "and" and on line 5, after "88.02 RCW" insert "creating a new section; providing an effective date; and declaring an emergency"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments on page 8, lines 1 and 11, and refuse to concur in the Senate amendment on page 21, line 9.

MOTION

Ms. Brough moved that the question be divided. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion to concur in the Senate amendments on page 8, lines 1 and 11, to Substitute House Bill No. 1703. The motion was carried.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the motion to refuse to concur in the Senate amendment on page 21, line 9, to Substitute House Bill No. 1703.

Representatives Brough, Paris and Schmidt spoke against the motion, and Representatives R. Fisher and Betrozoff spoke in favor of it. Ms. Brough again opposed the motion. The motion was carried.

MOTION

Ms. R. Fisher moved that the House ask the Senate to recede from its amendment on page 21, line 9, to Substitute House Bill No. 1703. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1723 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that encouraging collaboration among the various educational sectors to meet state-wide needs will strengthen the entire educational system, kindergarten through twelfth grade and higher education. The legislature also recognizes that the most effective way to develop innovative and collaborative programs is to encourage institutions to develop them voluntarily, in line with established state goals. Through a system of competitive grants, the legislature shall encourage the development of innovative and collaborative solutions to issues of critical state-wide need, including:

- (1) Improving rates of participation and completion at each educational level;
- (2) Recognizing needs of special populations of students;

(3) Improving the effectiveness of education by better coordinating communication and understanding between sectors.

NEW SECTION. Sec. 2. The Washington fund for excellence in higher education program is established. The higher education coordinating board shall administer the program. Through this program the board may award on a competitive basis incentive grants to state public institutions of higher education or consortia of institutions to encourage cooperative programs designed to address specific system problems. Grants shall not exceed a two-year period. Each institution or consortia of institutions receiving the award shall contribute some financial support, either by covering part of the costs for the program during its implementation, or by assuming continuing support at the end of the grant period. Strong priority will be given to proposals that involve more than one sector of education, and to proposals that show substantive institutional commitment. Institutions are encouraged to solicit nonstate funds to support these cooperative programs.

NEW SECTION. Sec. 3. The higher education coordinating board shall have the following powers and duties in administering the program:

(1) To adopt rules necessary to carry out the program;

(2) To establish one or more review committees to assist in the evaluation of proposals for funding. The review committee shall include individuals with significant experience in higher education in areas relevant to one or more of the funding period priorities;

(3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. During the 1991-93 biennium the guidelines shall be consistent with the following priorities: (a) Minority and diversity initiatives that encourage the participation of minorities in higher education, including students with disabilities, at a rate consistent with their proportion of the population; (b) K-12 teacher preparation models that encourage collaboration between higher education and K-12 to improve the preparedness of teachers, including provisions for higher education faculty involved with teacher preparation to spend time teaching in K-12 schools; and (c) articulation and transfer activities to smooth the transfer of students from K-12 to higher education, or from the community colleges to four-year institutions. After June 30, 1993, and each biennium thereafter, the board shall determine funding priorities for collaborative proposals for the biennium in consultation with the governor, the legislature, the office of the superintendent of public instruction, the state board for community college education, the state board for vocational education, higher education institutions, educational associations, and business and community groups consistent with state-wide needs;

(4) To solicit grant proposals and provide information to the institutions of higher education about the program; and

(5) To establish reporting, monitoring, and dissemination requirements for the recipients of the grants.

NEW SECTION. Sec. 4. The higher education coordinating board may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 5. The fund for excellence is hereby established in the custody of the state treasurer. The higher education coordinating board shall deposit in the fund all moneys received under section 4 of this act. Moneys in the fund may be spent only for the purposes of sections 2 and 3 of this act. Disbursements from the fund shall be on the authorization of the higher education coordinating board. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 6. Sections 2 through 5 of this act shall constitute a new chapter in Title 28B RCW.

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and creating a new section." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1723.

Mr. Jacobsen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1723 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1723 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 2, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Brekke, Sprengle - 02.

Excused: Representatives Grant, Wood - 02.

Engrossed House Bill No. 1723 as amended by the Senate, having received the constitutional majority, was declared passed.

Representative Sprengle appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1740 with the following amendments:

On page 5, line 18 after "(9)" insert:

"To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit which constitutes a violation of chapter 69.41, 69.50 or 69.52 RCW, shall constitute a nuisance for the purpose of RCW 59.12.030 (5)."

Renumber the remaining subsections accordingly.

On page 11, line 4 after "elderly" insert "1"
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1740.

Ms. Mitchell spoke in favor of the motion, and it was carried.

POINT OF INQUIRY

Mr. Nelson yielded to question by Ms. Winsley.

Ms. Winsley: Representative Nelson, what is the effect of the Senate amendment that allows drug-related activity to constitute a nuisance for unlawful detainer purposes?

Mr. Nelson: Thank you, Representative Winsley. The intent of the Senate amendment is to allow housing authorities greater flexibility in evicting tenants for drug-related activity. A housing authority would be able to evict someone for drug-related activity because it constitutes unlawful business, or because it constitutes a nuisance. In either case, an eviction could proceed after three days notice.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1740 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1740 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller,

Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Engrossed House Bill No. 1740 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 5, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1771 with the following amendment:

On page 1, line 11, after "construct," strike "condemn and purchase," and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Cooper moved that the House do concur in the Senate amendment to Substitute House Bill No. 1771. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1771 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1771 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Substitute House Bill No. 1771 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813 with the following amendment:

On page 1, beginning on line 6, strike all of section 1 through "personnel." on line 12

Re-number the remaining sections accordingly.
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Peery moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1813.

Mr. Peery spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1813 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1813 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Engrossed Substitute House Bill No. 1813 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1830 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.44.120 and 1985 c 404 s 1 are each amended to read as follows:

A statement made by a child when under the age of ten describing any act of sexual contact performed with or on the child by another or describing any attempted act of sexual contact with or on the child by another, not otherwise admissible by statute or court rule, is admissible in evidence in dependency proceedings under Title 13 RCW and criminal proceedings, including juvenile offense adjudications, in the courts of the state of Washington if:

(1) The court finds, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness: PROVIDED, That when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "statements;" strike the remainder of the title and insert "amending RCW 9A.44.120; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Substitute House Bill No. 1830. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1830 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1830 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Substitute House Bill No. 1830 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1852 with the following amendment:

On page 2, beginning on line 1, strike all material down to and including line 8 and insert the following:

NEW SECTION. Sec. 2. The fire services trust fund is created in the state treasury. All receipts designated by the legislature shall be deposited in the fund. Appropriations from the fund may be made exclusively for the purposes specified in section 3 of this act."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Fraser moved that the House do concur in the Senate amendment to Substitute House Bill No. 1852. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1852 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill NO. 1852 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 87, Nays - 8, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G.,

Fisher, R., Fomer, Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Tate, Valle, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Ballard, Fuhrman, McLean, Morton, Silver, Sommers, D., Vance, Van Luven - 08.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Substitute House Bill No. 1852 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1853 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 24.03.405 and 1987 c 117 s 5 are each amended to read as follows:
The secretary of state shall charge and collect for:

(1) Filing articles of incorporation (~~((and issuing a certificate of incorporation, twenty))~~) or an application for reinstatement under RCW 24.03.386, thirty dollars.

(2) Filing articles of amendment or restatement (~~((and issuing a certificate of amendment or a restated certificate of incorporation, ten))~~) or an amendment or supplement to an application for reinstatement, twenty dollars.

(3) Filing articles of merger or consolidation (~~((and issuing a certificate of merger or consolidation, ten))~~), twenty dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, (~~((affidavit of nonappointment,))~~) or any combination of these, (~~((five))~~) ten dollars. A separate fee for filing such statement shall not be charged if the statement appears in an amendment to articles of incorporation or in conjunction with the filing of the annual report.

(5) Filing articles of dissolution, no fee.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state (~~((and issuing a certificate of authority, twenty))~~), thirty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state (~~((and issuing an amended certificate of authority, ten))~~), twenty dollars.

(8) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

(9) Filing a certificate by a foreign corporation of the appointment of a registered agent, (~~((five))~~) ten dollars. A separate fee for filing such certificate shall not be charged if the statement appears in conjunction with the filing of the annual report.

(10) Filing a certificate of election adopting the provisions of chapter 24.03 RCW, twenty dollars.

(11) Filing an application to reserve a corporate name, (~~((ten))~~) twenty dollars.

(12) Filing a notice of transfer of a reserved corporate name, (~~((five))~~) twenty dollars.

(13) Filing a name registration, twenty dollars per year, or part thereof.

(14) Filing an annual report of a domestic or foreign corporation, ~~((five))~~ ten dollars.

(15) Filing any other statement or report authorized for filing under this chapter, ten dollars.

Sec. 2. RCW 24.06.450 and 1982 c 35 s 154 are each amended to read as follows:
The secretary of state shall charge and collect for:

(1) Filing articles of incorporation ~~((and issuing a certificate of incorporation, twenty))~~, thirty dollars.

(2) Filing articles of amendment or restatement ~~((and issuing a certificate of amendment or a restated certificate of authority, ten))~~, twenty dollars.

(3) Filing articles of merger or consolidation ~~((and issuing a certificate of merger or consolidation, ten))~~, twenty dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, ~~((affidavit of nonappointment))~~ or any combination of these, ~~((five))~~ ten dollars. A separate fee for filing such statement shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(5) Filing articles of dissolution, no fee.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state ~~((and issuing a certificate of authority, twenty))~~, thirty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state ~~((and issuing an amended certificate of authority, ten))~~, twenty dollars.

(8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ~~((ten))~~ twenty dollars.

(9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ~~((ten))~~ twenty dollars.

(10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

(11) Filing a certificate by a foreign corporation of the appointment of a registered agent, ~~((five))~~ ten dollars. A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(12) Filing a certificate by a foreign corporation of the revocation of the appointment of a registered agent, ~~((five))~~ ten dollars. A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(13) Filing an application to reserve a corporate name, ~~((ten))~~ twenty dollars.

(14) Filing a notice of transfer of a reserved corporate name, ~~((five))~~ twenty dollars.

(15) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, ~~((five))~~ ten dollars.

Sec. 3. RCW 24.03.388 and 1987 c 117 s 2 are each amended to read as follows:

(1) An application processing fee ~~((of twenty-five dollars))~~ as provided in RCW 24.03.405 shall be charged for an application for reinstatement under RCW 24.03.386.

(2) An application processing fee ~~((of ten dollars))~~ as provided in RCW 24.03.405 shall be charged for each amendment or supplement to an application for reinstatement.

(3) The corporation seeking reinstatement shall file all annual reports and pay the full amount of all annual corporation fees which would have been assessed for the years of the period of administrative revocation, had the corporation been in active status, including the reinstatement year.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect on July 1, 1991.

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 24.03.405, 24.06.450, and 24.03.388; providing an effective date; and declaring an emergency."
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Fraser moved that the House do concur in the Senate amendments to House Bill No. 1853.

Ms. Fraser spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1853 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1853 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

House Bill No. 1853 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1858 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

Any city or town is hereby authorized, at its option and after the adoption of the appropriate ordinance, to accept in exchange for cash a payroll check, draft, or warrant; expense check, draft, or warrant; or personal check from a city or town employee in accordance with the following conditions:

- (1) The check, warrant, or draft must be drawn to the order of cash or bearer and be immediately payable by a drawee financial institution;
- (2) The person presenting the check, draft, or warrant to the city or town must produce identification as outlined by the city or town in the authorizing ordinance;
- (3) The payroll check, draft, or warrant or expense check, draft, or warrant must have been issued by the city or town; and
- (4) Personal checks cashed pursuant to this authorization cannot exceed two hundred dollars.

In the event that any personal check cashed for a city or town employee by the city or town under this section is dishonored by the drawee financial institution when presented for payment, the city or town is authorized, after notice to the drawer or endorser of the dishonor, to withhold from the drawer's or endorser's next payroll check, draft, or warrant the full amount of the dishonored check.

NEW SECTION. Sec. 2. A new section is added to chapter 35A.40 RCW to read as follows:

Any code city is hereby authorized, at its option and after the adoption of the appropriate ordinance, to accept in exchange for cash a payroll check, draft, or warrant; expense check, draft, or warrant; or personal check from a city employee in accordance with the following conditions:

- (1) The check, warrant, or draft must be drawn to the order of cash or bearer and be immediately payable by a drawee financial institution;
- (2) The person presenting the check, draft, or warrant to the city must produce identification as outlined by the city in the authorizing ordinance;
- (3) The payroll check, draft, or warrant or expense check, draft, or warrant must have been issued by the city; and
- (4) Personal checks cashed pursuant to this authorization cannot exceed two hundred dollars.

In the event that any personal check cashed for a city employee by the city under this section is dishonored by the drawee financial institution when presented for payment, the city is authorized, after notice to the drawer or endorser of the dishonor, to withhold from the drawer's or endorser's next payroll check, draft, or warrant the full amount of the dishonored check.

On page 1, line 2 of the title, after "towns;" strike the remainder of the title and insert "adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.40 RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1858.

Ms. Haugen spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1858 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1858 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 86, Nays - 9, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Casada, Former, Fuhrman, Lisk, Morton, Nealey, Padden, Tate, Wynne - 09.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Substitute House Bill No. 1858 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1919 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 28A.220.900 and 1969 ex.s. c 218 s 7 are each amended to read as follows:

It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in traffic safety education and by that means to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents, with an emphasis on the consequences, both physical and legal, of the use of drugs or alcohol in relation to operating a motor vehicle. The course in traffic safety education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.220 RCW to read as follows:

The superintendent of public instruction shall include information on the effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington, and current

penalties for driving under the influence of drugs or alcohol in instructional material used in traffic safety education courses.

Sec. 3. RCW 46.82.420 and 1979 ex.s. c 51 s 15 are each amended to read as follows:

The advisory committee shall compile and furnish to each qualifying applicant for an instructor's license or a driver training school license a basic minimum required curriculum. The basic minimum required curriculum shall also include information on the effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington, and current penalties for driving under the influence of drugs or alcohol. Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the advisory committee and show cause why the license of the instructor or school should not be revoked for such negligence. If the committee does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

On page 1, line 1 of the title, after "courses;" strike the remainder of the title and insert "amending RCW 28A.220.900 and 46.82.420; and adding a new section to chapter 28A.220 RCW."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendments to Substitute House Bill No. 1919. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1919 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1919 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Substitute House Bill No. 1919 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2042 with the following amendments:

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

NEW SECTION. Sec. 2. The provisions of this act apply only to written agreements entered on or after the effective date of this act.

On line 1 of the title, after "agreements;" add "creating a new section;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Substitute House Bill No. 2042.

Mr. Appelwick spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 2042 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2042 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Substitute House Bill No. 2042 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Childhood sexual abuse is a pervasive problem that affects the safety and well-being of many of our citizens.

(2) Childhood sexual abuse is a traumatic experience for the victim causing long-lasting damage.

(3) The victim of childhood sexual abuse may repress the memory of the abuse or be unable to connect the abuse to any injury until after the statute of limitations has run.

(4) The victim of childhood sexual abuse may be unable to understand or make the connection between childhood sexual abuse and emotional harm or damage until many years after the abuse occurs.

(5) Even though victims may be aware of injuries related to the childhood sexual abuse, more serious injuries may be discovered many years later.

(6) The legislature enacted RCW 4.16.340 to clarify the application of the discovery rule to childhood sexual abuse cases. At that time the legislature intended to reverse the Washington supreme court decision in *Tyson v. Tyson*, 107 Wn.2d 72, 727 P.2d 226 (1986).

It is still the legislature's intention that *Tyson v. Tyson*, 107 Wn.2d 72, 727 P.2d 226 (1986) be reversed, as well as the line of cases that state that discovery of any injury whatsoever caused by an act of childhood sexual abuse commences the statute of limitations. The legislature intends that the earlier discovery of less serious injuries should not affect the statute of limitations for injuries that are discovered later.

Sec. 2. RCW 4.16.340 and 1989 c 317 s 2 are each amended to read as follows:

(1) All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within the later of the following periods:

(a) Within three years of the act alleged to have caused the injury or condition((~~e~~));

(b) Within three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act(~~(, whichever period expires later)~~); or

(c) Within three years of the time the victim discovered that the act caused the injury for which the claim is brought:

PROVIDED, That the time limit for commencement of an action under this section is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, "child" means a person under the age of eighteen years.

(5) As used in this section, "childhood sexual abuse" means any act committed by the defendant against a complainant who was less than eighteen years of age at the time of the act and which act would have been a violation of chapter 9A.44 RCW or RCW 9.68A.040 or prior laws of similar effect at the time the act was committed.

On page 1, line 2 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 4.16.340; and creating a new section." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2058. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2058 as amended by the Senate.

Representatives Appelwick and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2058 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Engrossed Substitute House Bill No. 2058 as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4666, by Representatives Basich, Morris, Wynne, R. Fisher, Nelson, Hine, Franklin, Cooper, Braddock, R. Meyers, Jones and Day, Dellwo, Beck, Rust, Haugen, Wilson, Orr, Schmidt, Betrozoff, Chandler, Bowman and Anderson

WHEREAS, Bicycling is an enjoyable activity that offers the individuals and families of Washington numerous benefits; and

WHEREAS, Washington state offers exceptional bicycle touring opportunities, attracting tens of thousands of riders from all over the world each year to explore our scenic roads and trails; and

WHEREAS, Bicycling is an inexpensive, energy-efficient, and nonpolluting form of mobility that can often be as an alternative to motor vehicle transportation; and

WHEREAS, Bicycling can provide relief from urban traffic congestion, automobile parking demand, and other transportation problems; and

WHEREAS, Washington state has been a leader in the development of public recreation trails, with hundreds of miles of existing trails, such as the urban trail system in King County and the John Wayne Trail across rural Eastern Washington; and

WHEREAS, Bicycle events such as the Cascade Bicycle Club's Seattle to Portland ride and the American Lung Association's Tri-Island Treks provide enjoyment for thousands of bicyclists each year and help raise funds for important activities; and

WHEREAS, Seattle, Redmond, and Yakima have hosted important national and international bicycle racing events, including the National Championships and Olympic Trials and Pan-American Game races; and

WHEREAS, Washington state communities have demonstrated leadership in promoting bicycle safety and bicycle helmet use, through cooperative efforts such as the Cascade Bicycle Safety Education program, Washington State Patrol traffic safety education, and Sprocketperson presentations; and

WHEREAS, The Capital Bicycling Club is host to the 1991 League of American Wheelmen National Rally in Olympia, which will attract hundreds of bicyclists from throughout North America to experience the joys of riding in Washington; and

WHEREAS, Bicycling brings families together and offers children delight and a chance to learn important physical skills, traffic safety habits, and the independence and responsibility that comes from traveling under their own power;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes the benefits of bicycling and encourages the people of Washington state to enjoy bicycling; and

BE IT FURTHER RESOLVED, That the House of Representatives encourages state and local officials, agencies, and public bodies to accommodate, encourage, and assist bicyclists whenever possible, and to encourage bicycle safety, and to recognize the rights and responsibilities of bicyclists to lawfully use the roads and trails of Washington.

Mr. Basich moved adoption of the resolution. Representatives Basich, Morris and Wynne spoke in favor of the resolution.

House Resolution No. 91-4666 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. R. Meyers presiding) called the House to order.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2132,
SUBSTITUTE HOUSE BILL NO. 2187,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1954 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 7.48.305 and 1979 c 122 s 2 are each amended to read as follows:

Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland, if consistent with good agricultural practices and established prior to surrounding nonagricultural activities, are presumed to be reasonable and ~~((de))~~ shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health and safety.

If that agricultural activity is undertaken in conformity with federal, state, and local laws and regulations, it is presumed to be good agricultural practice and not adversely affecting the public health and safety, and as such shall not be restricted to time of day, or day or days of the week.

Sec. 2. RCW 7.48.310 and 1979 c 122 s 3 are each amended to read as follows:

As used in RCW 7.48.305:

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, ((the growing or raising of horticultural and viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products)) marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences,

roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses; and conversion from one agricultural activity to another.

(2) "Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products.

(3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other agricultural commodities.

(4) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

On page 1, line 1 of the title, after "nuisances;" strike the remainder of the title and insert "and amending RCW 7.48.305 and 7.48.310." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rayburn moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1954 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Rayburn, Kremen and Nealey as conferees on Substitute House Bill No. 1954.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART 1

TEMPORARY PRACTICE PERMITS

CONTINUED HEALTH PROFESSIONAL COMPETENCY DEMONSTRATION PROJECTS"

Sec. 1. RCW 18.130.010 and 1986 c 259 s 1 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary and licensure procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the licensure of health care professionals and the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly credentialed by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both the state and the public, which it has a statutory responsibility

to protect, assurances of accountability and confidence in the various practices of health care.

NEW SECTION. Sec. 2. A new section is added to chapter 18.130 RCW to read as follows:

If an individual licensed in another state, that has licensing standards substantially equivalent to Washington, applies for a license, the disciplining authority shall issue a temporary practice permit authorizing the applicant to practice the profession pending completion of documentation that the applicant meets the requirements for a license and is also not subject to denial of a license or issuance of a conditional license under this chapter. The temporary permit may reflect statutory limitations on the scope of practice. The permit shall be issued only upon the disciplining authority receiving verification from the states in which the applicant is licensed that the applicant is currently licensed and is not subject to charges or disciplinary action for unprofessional conduct or impairment. Notwithstanding RCW 34.05.422(3), the disciplining authority shall establish, by rule, the duration of the temporary practice permits. Failure to surrender the permit is a misdemeanor under RCW 9A.20.010 and shall be unprofessional conduct under this chapter. The issuance of temporary permits is subject to the provisions of this chapter, including summary suspensions.

NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW to read as follows:

The disciplinary authorities are authorized to develop and require licensees' participation in continuing competency pilot projects for the purpose of developing flexible, cost-efficient, effective, and geographically accessible competency assurance methods. The secretary shall establish criteria for development of pilot projects and shall select the disciplinary authorities that will participate from among the professions requesting participation. The department shall administer the projects in mutual cooperation with the disciplinary authority and shall allot and administer the budget for each pilot project. The department shall report to the legislature in January of each odd-numbered year concerning the progress and findings of the projects and shall make recommendations on the expansion of continued competency requirements to other licensed health professions.

Each disciplinary authority shall establish its pilot project in rule and may support the projects from a surcharge on each of the affected profession's license renewal in an amount established by the secretary.

"PART 2

STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN"

NEW SECTION. Sec. 4. INTENT. The legislature finds that certain health care professional shortages exist and result in entire communities or specific populations within communities not having access to basic health care services.

The legislature further finds that the state currently does not have a state-wide comprehensive and systematic policy for the purpose of identifying shortages and designing and implementing activities to address shortages.

The legislature declares that the establishment of higher educational programming and other activities necessary to address health professional shortages should be a state policy concern and that a means to accomplish this should be established.

The legislature further declares that the development of state policy on professional shortages should involve close coordination and consultation between state government, institutions of higher education that conduct health care research and train health care professionals, health care service providers, consumers, and others.

The legislature further declares that the health care needs of the people of this state should be the primary factor determining state policymaking designed to address health professional shortages.

NEW SECTION. Sec. 5. STATE-WIDE HEALTH PERSONNEL RESOURCE PLAN. (1) The higher education coordinating board, the state board for community

college education, the superintendent of public instruction, the state department of health, and the state department of social and health services, to be known for the purposes of this section as the committee, shall establish a state-wide health personnel resource plan. The governor shall appoint a lead agency from one of the agencies on the committee.

In preparing the state-wide plan the committee shall consult with the training and education institutions affected by this chapter, health care providers, employers of health care providers, insurers, consumers of health care, and other appropriate entities.

Should a successor agency or agencies be authorized or created by the legislature with planning, coordination, or administrative authority over vocational-technical schools, community colleges, or four-year higher education institutions, the governor shall grant membership on the committee to such agency or agencies and remove the member or members it replaces.

The committee shall appoint subcommittees for the purpose of assisting in the development of the institutional plans required under this chapter. Such subcommittees shall at least include those committee members that have statutory responsibility for planning, coordination, or administration of the training and education institutions for which the institutional plans are being developed. In preparing the institutional plans for four-year institutes of higher education, the subcommittee shall be composed of at least the higher education coordinating board and the state's four-year higher education institutions. The appointment of subcommittees to develop portions of the state-wide plan shall not relinquish the committee's responsibility for assuring overall coordination, integration, and consistency of the state-wide plan.

In establishing and implementing the state-wide health personnel resource plan the committee shall, to the extent possible, utilize existing data and information, personnel, equipment, and facilities and shall minimize travel and take such other steps necessary to reduce the administrative costs associated with the preparation and implementation of the plan.

(2) The state-wide health resource plan shall include at least the following:

(a)(i) Identification of the type, number, and location of the health care professional work force necessary to meet health care needs of the state.

(ii) A description and analysis of the composition and numbers of the potential work force available for meeting health care service needs of the population to be used for recruitment purposes. This should include a description of the data, methodology, and process used to make such determinations.

(b) A centralized inventory of the numbers of student applications to higher education and vocational-technical training and education programs, yearly enrollments, yearly degrees awarded, and numbers on waiting lists for all the state's publicly funded health care training and education programs. The committee shall request similar information for incorporation into the inventory from private higher education and vocational-technical training and education programs.

(c) A description of state-wide and local specialized provider training needs to meet the health care needs of target populations and a plan to meet such needs in a cost-effective and accessible manner.

(d) A description of how innovative, cost-effective technologies such as telecommunications can and will be used to provide higher education, vocational-technical, continued competency, and skill maintenance and enhancement education and training to placebound students who need flexible programs and who are unable to attend institutions for training.

(e) A strategy for assuring higher education and vocational-technical educational and training programming is sensitive to the changing work force such as reentry workers, women, minorities, and the disabled.

(f) A strategy and coordinated state-wide policy developed by the subcommittees authorized in subsection (1) of this section for increasing the number of graduates

intending to serve in shortage areas after graduation, including such strategies as the establishment of preferential admissions and designated enrollment slots.

(g) Guidelines and policies developed by the subcommittees authorized in subsection (1) of this section for allowing academic credit for on-the-job experience such as internships, volunteer experience, apprenticeships, and community service programs.

(h) A strategy developed by the subcommittees authorized in subsection (1) of this section for making required internships and residency programs available that are geographically accessible and sufficiently diverse to meet both general and specialized training needs as identified in the plan when such programs are required.

(i) A description of the need for multiskilled health care professionals and an implementation plan to restructure educational and training programming to meet these needs.

(j) An analysis of the types and estimated numbers of health care personnel that will need to be recruited from out-of-state to meet the health professional needs not met by in-state trained personnel.

(k) An analysis of the need for educational articulation within the various health care disciplines and a plan for addressing the need.

(l) An analysis of the training needs of those members of the long-term care profession that are not regulated and that have no formal training requirements. Programs to meet these needs should be developed in a cost-effective and a state-wide accessible manner that provide for the basic training needs of these individuals.

(m) A designation of the professions and geographic locations in which loan repayment and scholarships should be available based upon objective data-based forecasts of health professional shortages. A description of the criteria used to select professions and geographic locations shall be included. Designations of professions and geographic locations may be amended by the department of health when circumstances warrant as provided for in section 20 of this act.

(n) A description of needed changes in regulatory laws governing the credentialing of health professionals.

(o) A description of linguistic and cultural training needs of foreign-trained health care professionals to assure safe and effective practice of their health care profession.

(p) A plan to implement the recommendations of the state-wide nursing plan authorized by RCW 74.39.040.

(q) A description of criteria and standards that institutional plans provided for in this section must address in order to meet the requirements of the state-wide health personnel resource plan, including funding requirements to implement the plans. The committee shall also when practical identify specific outcome measures to measure progress in meeting the requirements of this plan. The criteria and standards shall be established in a manner as to provide flexibility to the institutions in meeting state-wide plan requirements. The committee shall establish required submission dates for the institutional plans that permit inclusion of funding requests into the institutions budget requests to the state.

(r) A description of how the higher education coordinating board, state board for community college education, superintendent of public instruction, department of health, and department of social and health services coordinated in the creation and implementation of the state plan including the areas of responsibility each agency shall assume. The plan should also include a description of the steps taken to assure participation by the groups that are to be consulted with.

(s) A description of the estimated fiscal requirements for implementation of the state-wide health resource plan that include a description of cost saving activities that reduce potential costs by avoiding administrative duplication, coordinating programming activities, and other such actions to control costs.

(3) The committee may call upon other agencies of the state to provide available information to assist the committee in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(4) State agencies involved in the development and implementation of the plan shall to the extent possible utilize existing personnel and financial resources in the development and implementation of the state-wide health personnel resource plan.

(5) The state-wide health personnel resource plan shall be submitted to the governor by July 1, 1992, and updated by July 1 of each even-numbered year. The governor, no later than December 1 of that year, shall approve, approve with modifications, or disapprove the state-wide health resource plan.

(6) The approved state-wide health resource plan shall be submitted to the senate and house of representatives committees on health care, higher education, and ways and means or appropriations by December 1 of each even-numbered year.

(7) Implementation of the state-wide plan shall begin by July 1, 1993.

(8) Notwithstanding subsections (5) and (7) of this section, the committee shall prepare and submit to the higher education coordinating board by June 1, 1992, the analysis necessary for the initial implementation of the health professional loan repayment and scholarship program created in chapter 28B... RCW (as codified pursuant to section 36 of this act).

(9) Each publicly funded two-year and four-year institute of higher education authorized under Title 28B RCW and vocational-technical institution authorized under Title 28A RCW that offers health training and education programs shall biennially prepare and submit an institutional plan to the committee. The institutional plan shall identify specific programming and activities of the institution that meet the requirements of the state-wide health professional resource plan.

The committee shall review and assess whether the institutional plans meet the requirements of the state-wide health personnel resource plan and shall prepare a report with its determination. The report shall become part of the institutional plan and shall be submitted to the governor and the legislature.

The institutional plan shall be included with the institution's biennial budget submission. The institution's budget shall identify proposed spending to meet the requirements of the institutional plan. Each vocational-technical institution, college, or university shall be responsible for implementing its institutional plan.

"PART 3

HEALTH PROFESSIONAL CREDENTIALING SUNRISE MODIFICATIONS"

Sec. 6. RCW 18.120.030 and 1983 c 168 s 3 are each amended to read as follows:

After July 24, 1983, if appropriate, applicant groups shall explain each of the following factors to the extent requested by the legislative committees of reference:

(1) A definition of the problem and why regulation is necessary:

(a) The nature of the potential harm to the public if the health profession is not regulated, and the extent to which there is a threat to public health and safety;

(b) The extent to which consumers need and will benefit from a method of regulation identifying competent practitioners, indicating typical employers, if any, of practitioners in the health profession; and

(c) The extent of autonomy a practitioner has, as indicated by:

(i) The extent to which the health profession calls for independent judgment and the extent of skill or experience required in making the independent judgment; and

(ii) The extent to which practitioners are supervised;

(2) The efforts made to address the problem:

(a) Voluntary efforts, if any, by members of the health profession to:

(i) Establish a code of ethics; or

(ii) Help resolve disputes between health practitioners and consumers; and

(b) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered:

(a) Regulation of business employers or practitioners rather than employee practitioners;

(b) Regulation of the program or service rather than the individual practitioners;

(c) Registration of all practitioners;

(d) Certification of all practitioners;

(e) Other alternatives;

(f) Why the use of the alternatives specified in this subsection would not be adequate to protect the public interest; and

(g) Why licensing would serve to protect the public interest;

(4) The benefit to the public if regulation is granted:

(a) The extent to which the incidence of specific problems present in the unregulated health profession can reasonably be expected to be reduced by regulation;

(b) Whether the public can identify qualified practitioners;

(c) The extent to which the public can be confident that qualified practitioners are competent:

(i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both, and, if appropriate, their respective responsibilities in administering the system of registration, certification, or licensure, including the composition of the board and the number of public members, if any; the powers and duties of the board or state agency regarding examinations and for cause revocation, suspension, and nonrenewal of registrations, certificates, or licenses; the promulgation of rules and canons of ethics; the conduct of inspections; the receipt of complaints and disciplinary action taken against practitioners; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(ii) If there is a grandfather clause, whether such practitioners will be required to meet the prerequisite qualifications established by the regulatory entity at a later date;

(iii) The nature of the standards proposed for registration, certification, or licensure as compared with the standards of other jurisdictions;

(iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; ~~(and)~~

(v) The nature and duration of any training including, but not limited to, whether the training includes a substantial amount of supervised field experience; whether training programs exist in this state; if there will be an experience requirement; whether the experience must be acquired under a registered, certificated, or licensed practitioner; whether there are alternative routes of entry or methods of meeting the prerequisite qualifications; whether all applicants will be required to pass an examination; and, if an examination is required, by whom it will be developed and how the costs of development will be met; and

(vi) What additional training programs are anticipated to be necessary to assure training accessible state-wide; the anticipated time required to establish the additional training programs; the types of institutions capable of providing the training; a description of how training programs will meet the needs of the expected work force, including reentry workers, minorities, placebound students, and others;

(d) Assurance of the public that practitioners have maintained their competence:

(i) Whether the registration, certification, or licensure will carry an expiration date; and

(ii) Whether renewal will be based only upon payment of a fee, or whether renewal will involve reexamination, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(a) The extent to which regulation will restrict entry into the health profession:

(i) Whether the proposed standards are more restrictive than necessary to insure safe and effective performance; and

(ii) Whether the proposed legislation requires registered, certificated, or licensed practitioners in other jurisdictions who migrate to this state to qualify in the same manner as state applicants for registration, certification, and licensure when the other jurisdiction has substantially equivalent requirements for registration, certification, or licensure as those in this state; and

(b) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) The maintenance of standards:

(a) Whether effective quality assurance standards exist in the health profession, such as legal requirements associated with specific programs that define or enforce standards, or a code of ethics; and

(b) How the proposed legislation will assure quality:

(i) The extent to which a code of ethics, if any, will be adopted; and

(ii) The grounds for suspension or revocation of registration, certification, or licensure;

(7) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in this state, an estimate of the number of practitioners in each group, and whether the groups represent different levels of practice; and

(8) The expected costs of regulation:

(a) The impact registration, certification, or licensure will have on the costs of the services to the public; ~~(and)~~

(b) The cost to the state and to the general public of implementing the proposed legislation; and

(c) The cost to the state and the members of the group proposed for regulation for the required education, including projected tuition and expenses and expected increases in training programs, staffing, and enrollments at state training institutions.

"PART 4

COMMUNITY-BASED RECRUITMENT AND RETENTION PROJECTS STATE-WIDE RECRUITMENT AND RETENTION CLEARINGHOUSE"

NEW SECTION. Sec. 7. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of health.

(2) "Health care professional recruitment and retention strategic plan" means a plan developed by the participant and includes identification of health care personnel needs of the community, how these professionals will be recruited and retained in the community following recruitment.

(3) "Institutions of higher education" means educational institutions as defined in RCW 28B.10.016.

(4) "Local administrator" means an individual or organization representing the participant who may enter into legal agreements on behalf of the participant.

(5) "Participant" means communities, counties, and regions that serve as a health care catchment area where the project site is located.

(6) "Project" means the community-based retention and recruitment project.

(7) "Project site" means a site selected to participate in the project.

(8) "Secretary" means the secretary of health.

NEW SECTION. Sec. 8. STATE-WIDE RECRUITMENT AND RETENTION CLEARINGHOUSE. The department, in consultation with appropriate private and public

entities, shall establish a health professional recruitment and retention clearinghouse. The clearinghouse shall:

(1) Inventory and classify the current public and private health professional recruitment and retention efforts;

(2) Identify recruitment and retention program models having the greatest success rates;

(3) Identify recruitment and retention program gaps;

(4) Work with existing recruitment and retention programs to better coordinate state-wide activities and to make such services more widely known and broadly available;

(5) Provide general information to communities, health care facilities, and others about existing available programs;

(6) Work in cooperation with private and public entities to develop new recruitment and retention programs;

(7) Identify needed recruitment and retention programming for state institutions, county public health departments and districts, county human service agencies, and other entities serving substantial numbers of public pay and charity care patients, and may provide to these entities when they have been selected as participants necessary recruitment and retention assistance including:

(a) Assistance in establishing or enhancing recruitment of health care professionals;

(b) Recruitment on behalf of sites' unable to establish their own recruitment program; and

(c) Assistance with retention activities when practitioners of the health professional loan repayment and scholarship program authorized by chapter 18.150 RCW are present in the practice setting.

NEW SECTION. Sec. 9. DEPARTMENTAL DUTIES. (1) The department shall establish up to three community-based recruitment and retention project sites to provide financial and technical assistance to participating communities. The goal of the project is to help assure the availability of health care providers in rural areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(4) The secretary may apply for, receive, and accept gifts and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(5) In designing and implementing the project the secretary shall coordinate the project with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs.

NEW SECTION. Sec. 10. RULES. The department shall adopt rules consistent with this chapter to carry out the purpose of this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW. All rules and procedures adopted by the department shall minimize paperwork and compliance requirements for participants and should not be complex in nature so as to serve as a barrier or disincentive for prospective participants applying for the project.

NEW SECTION. Sec. 11. SECRETARY'S POWERS AND DUTIES. The secretary shall have the following powers and duties:

(1) To design the project application and selection process, including a program to advertise the project to rural communities and encourage prospective applicants to apply. Subject to funding, project sites shall be selected that are eligible to receive funding.

Funding shall be used to hire consultants and perform other activities necessary to meet participant requirements under this chapter. The secretary shall require at least fifty percent matching funds or in-kind contributions from participants. In considering selection of participants eligible for seed grant funding, the secretary should consider project sites where (a) existing access to health care is severely inadequate, (b) recruitment and retention problems have been chronic, (c) the community is in need of primary care practitioners, or (d) the community has unmet health care needs for specific target populations;

(2) To design acceptable health care professional recruitment and retention strategic plans, and to serve as a general resource to participants in the planning, administration, and evaluation of project sites;

(3) To assess and approve strategic plans developed by participants, including an assessment of the technical and financial feasibility of implementing the plan and whether adequate local support for the plan is demonstrated;

(4) To identify existing private and public resources that may serve as eligible consultants, identify technical assistance resources for communities in the project, create a register of public and private technical resource services available, and provide the register to participants. The secretary shall screen consultants to determine their qualifications prior to including them on the register;

(5) To work with other state agencies, institutions of higher education, and other public and private organizations to coordinate technical assistance services for participants;

(6) To administer available funds for community use while participating in the project and establish procedures to assure accountability in the use of seed grant funds by participants;

(7) To define data and other minimum requirements for adequate evaluation of projects and to develop and implement an overall monitoring and evaluation mechanism for the projects;

(8) To act as facilitator for multiple applicants and entrants to the project;

(9) To report to the appropriate legislative committees and others from time to time on the progress of the projects including the identification of statutory and regulatory barriers to successful completion of rural health care delivery goals and an ongoing evaluation of the project.

NEW SECTION. Sec. 12. DUTIES AND RESPONSIBILITIES OF PARTICIPATING COMMUNITIES. The duties and responsibilities of participating communities shall include:

(1) To involve major health care providers, businesses, public officials, and other community leaders in project design, administration, and oversight;

(2) To identify an individual or organization to serve as the local administrator of the project. The secretary may require the local administrator to maintain acceptable accountability of seed grant funding;

(3) To coordinate and avoid duplication of public health and other health care services;

(4) To assess and analyze community health care professional needs;

(5) To write a health care professional recruitment and retention strategic plan;

(6) To screen and contract with consultants for technical assistance if the project site was selected to receive funding and assistance is needed;

(7) To monitor and evaluate the project in an ongoing manner;

(8) To provide data and comply with other requirements of the administrator that are intended to evaluate the effectiveness of the projects;

(9) To assure that specific populations with unmet health care needs have access to services.

NEW SECTION. Sec. 13. COOPERATION OF STATE AGENCIES. (1) The secretary may call upon other agencies of the state to provide available information to assist the secretary in meeting the responsibilities under this chapter. This information shall be supplied as promptly as circumstances permit.

(2) The secretary may call upon other state agencies including institutions of higher education as authorized under Titles 28A and 28B RCW to identify and coordinate the delivery of technical assistance services to participants in meeting the responsibilities of this chapter. The state agencies, vocational-technical institutions, and institutions of higher education shall cooperate and provide technical assistance to the secretary to the extent that current funding for these entities permits.

NEW SECTION. Sec. 14. PARTICIPANTS AUTHORIZED TO CONTRACT--PENALTY--SECRETARY AND STATE EXEMPT FROM LIABILITY. (1) Participants are authorized to use funding granted to them by the secretary for the purpose of contracting for technical assistance services. Participants shall use only consultants identified by the secretary for consulting services unless the participant can show that an alternative consultant is qualified to provide technical assistance and is approved by the secretary. Adequate records shall be kept by the participant showing project site expenditures from grant moneys. Inappropriate use of grant funding is a gross misdemeanor and shall incur the penalties under chapter 9A.20 RCW.

(2) In providing a list of qualified consultants the secretary and the state shall not be held responsible for assuring qualifications of consultants and shall be held harmless for the actions of consultants. Furthermore, the secretary and the state shall not be held liable for the failure of participants to meet contractual obligations established in connection with project participation.

"PART 5

HEALTH PROFESSIONAL LOAN REPAYMENT AND SCHOLARSHIP PROGRAM"

Sec. 15. RCW 18.150.020 and 1989 1st ex.s. c 9 s 717 are each amended to read as follows:

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

(1) "Board" means the higher education coordinating board.

(2) "Department" means the state department of health.

(3) "Eligible education and training programs" means education and training programs approved by the department that lead to eligibility for a credential as a credentialed health care professional.

(4) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses determined by the board.

(5) "Eligible student" means a student who has been accepted into an eligible education or training program and has a declared intention to serve in a health professional shortage area upon completion of the education or training program.

(6) "Forgiven" or "to forgive" or "forgiveness" means to render health care services in a health professional shortage area in the state of Washington in lieu of monetary repayment.

(7) "Health professional shortage areas" means those areas where credentialed health care professionals are in short supply as a result of geographic maldistribution or as the result of a short supply of credentialed health care professionals in specialty health care areas and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department shall determine health professional shortage areas as provided for in section 20 of this act, or until June 1, 1992, as provided for in section 19 of this act. In making health professional shortage area designations in the state the department may be guided by applicable federal standards

for "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."

(8) "Credentialed health care profession" means a health care profession regulated by a disciplining authority in the state of Washington under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW and designated by the department in section 20 of this act, or until June 1, 1992, as established in section 19 of this act as a profession having shortages of credentialed health care professionals in the state.

(9) "Credentialed health care professional" means a person regulated by a disciplining authority in the state of Washington to practice a health care profession under RCW 18.130.040 or by the state board of pharmacy under chapter 18.64 RCW.

(10) "Loan repayment" means a loan that is paid in full or in part if the participant renders health care services in a health professional shortage area ~~(or medically underserved areas)~~ as defined by the department ~~(of health)~~.

~~((2))~~ (11) "Nonshortage rural area" means a nonurban area of the state of Washington that has not been designated as a rural physician shortage area. The department shall identify the nonshortage rural areas of the state.

(12) "Participant" means a ~~(licensed)~~ credentialed health care professional who has received a loan repayment award and has commenced practice as a ~~(primary)~~ credentialed health care provider in a designated health professional shortage area or an eligible student who has received a scholarship under this program.

~~((3)) "Board" means the higher education coordinating board.~~

~~(4) "Health professional shortage areas" means those geographic areas where health professionals are in short supply as a result of geographic maldistribution and where vacancies exist in serious numbers that jeopardize patient care and pose a threat to the public health and safety. The department of health shall determine health professional shortage areas in the state guided by federal standards of "health manpower shortage areas," and "medically underserved areas," and "medically underserved populations."~~

~~(5))~~ (13) "Program" means the health professional loan repayment and scholarship program.

(14) "Required service obligation" means an obligation by the participant to provide health care services in a health professional shortage area for a period to be established as provided for in this chapter.

(15) "Rural physician shortage area" means rural geographic areas where primary care physicians are in short supply as a result of geographic maldistributions and where their limited numbers jeopardize patient care and pose a threat to public health and safety. The department shall designate rural physician shortage areas.

(16) "Satisfied" means paid-in-full.

~~((6)) "Licensed health professional" means a person authorized in the state of Washington to practice medicine pursuant to chapter 18.57 or 18.57A RCW or 18.71 or 18.71A RCW, to practice nursing pursuant to chapter 18.88 or 18.78 RCW, or to practice dentistry pursuant to chapter 18.32 RCW.)~~ (17) "Scholarship" means a loan that is forgiven in whole or in part if the recipient renders health care services in a health professional shortage area.

(18) "Sponsoring community" means a rural hospital or hospitals as authorized in chapter 70.41 RCW, a rural health care facility or facilities as authorized in chapter 70.175 RCW, or a city or county government or governments.

Sec. 16. RCW 18.150.030 and 1989 1st ex.s. c 9 s 718 are each amended to read as follows:

The health professional loan repayment and scholarship program is established for ~~(licensed)~~ credentialed health professionals serving in health professional shortage areas. The program shall be administered by the higher education coordinating board. In administering this program, the board shall ~~(have the following duties):~~

(1) ~~((It shall))~~ Select ~~((licensed))~~ credentialed health care professionals to participate in the loan repayment portion of the loan repayment and scholarship program and select eligible students to participate in the scholarship portion of the loan repayment and scholarship program;

(2) ~~((It shall))~~ Adopt rules and develop guidelines to administer the program;

(3) ~~((It shall))~~ Collect and manage repayments from participants who do not meet their service obligations under this chapter;

(4) Publicize the program, particularly to maximize participation among individuals in shortage areas and among populations expected to experience the greatest growth in the work force; ~~((and~~

(4) ~~It shall))~~ (5) Solicit and accept grants and donations from public and private sources for the program; and

(6) Develop criteria for a contract for service in lieu of the service obligation where appropriate, that may be a combination of service and payment.

NEW SECTION. Sec. 17. The department may provide technical assistance to rural communities desiring to become sponsoring communities for the purposes of identification of prospective students for the program, assisting prospective students to apply to an eligible education and training program, making formal agreements with prospective students to provide credentialed health care services in the community, forming agreements between rural communities in a service area to share credentialed health care professionals, and fulfilling any matching requirements.

Sec. 18. RCW 18.150.040 and 1989 1st ex.s. c 9 s 719 are each amended to read as follows:

The board shall establish a planning committee to assist it in developing criteria for the selection of participants. The board shall ~~((, at a minimum,))~~ include on the planning committee ~~((: Representatives from rural hospitals; public health districts or departments; community and migrant clinics; and private providers))~~ representatives of the department, the department of social and health services, appropriate representatives from health care facilities, provider groups, consumers, the state board of community college education, the superintendent of public instruction, and other appropriate public and private agencies and organizations. The criteria may require that some of the participants meet the definition of "needy student" under RCW 28B.10.802.

NEW SECTION. Sec. 19. ELIGIBLE CREDENTIALLED HEALTH PROFESSIONS AND REQUIRED SERVICE OBLIGATIONS. Until June 1, 1992, the board, in consultation with the department, shall:

(1) Establish loan repayments for persons authorized to practice one of the following credentialed health care professions: Medicine pursuant to chapter 18.57, 18.57A, 18.71 or 18.71A RCW, nursing pursuant to chapter 18.78 or 18.88 RCW, or dentistry pursuant to chapter 18.32 RCW. The amount of the loan repayment shall not exceed fifteen thousand dollars per year for a maximum of five years per individual. The required service obligation in a health professional shortage area for loan repayment shall be three years;

(2) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Nursing pursuant to chapter 18.78 or 18.88 RCW who declare the intent to serve in a nurse shortage area as defined by the department upon completion of an education or training program and agree to a five-year service obligation. The amount of the scholarship shall not exceed three thousand dollars per year for a maximum of five years;

(3) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Medicine pursuant to chapter 18.57 or 18.71 RCW who declare an intent to serve as a primary care physician in a rural area in

the state of Washington upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than fifteen thousand dollars per year for five years.

In determining scholarship awards for prospective physicians, the selection criteria shall include requirements that recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(4) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in one of the following credentialed health care professions: Midwifery pursuant to chapter 18.50 RCW or advanced registered nurse practitioner certified nurse midwifery under chapter 18.88 RCW who declare an intent to serve as a midwife in a midwifery shortage area in the state of Washington, as defined by the department, upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than four thousand dollars per year for three years;

(5) Establish a scholarship program for eligible students who have been accepted into an eligible education or training program leading to a credential in the following credentialed health care profession: Pharmacy pursuant to chapter 18.64 RCW who declare an intent to serve as a pharmacist in a pharmacy shortage area in the state of Washington, as defined by the department, upon completion of the education program and agree to a five-year service obligation and who may receive a scholarship of no more than four thousand dollars per year for three years;

(6) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to the effective date of this act concerning loan repayment and scholarship award amounts and service obligations authorized under chapter 18.150, 28B.104, or 70.180 RCW.

NEW SECTION. Sec. 20. **ELIGIBLE CREDENTIALLED HEALTH PROFESSIONS.** After June 1, 1992, the department, in consultation with the board and the department of social and health services, shall:

(1) Determine eligible credentialed health care professions for the purposes of the loan repayment and scholarship program authorized by this chapter. Eligibility shall be based upon an assessment that determines that there is a shortage or insufficient availability of a credentialed profession so as to jeopardize patient care and pose a threat to the public health and safety. The department shall consider the relative degree of shortages among professions when determining eligibility. This determination shall be based upon health professional shortage needs identified in the health personnel resource plan authorized by section 5 of this act. The department may add or remove professions from eligibility based upon the determination that a profession is no longer in shortage as determined by the health personnel resource plan. Should a profession no longer be eligible, participants or eligible students who have received scholarships shall be eligible to continue to receive scholarships or loan repayments until they are no longer eligible or until their service obligation has been completed;

(2) Determine health professional shortage areas for each of the eligible credentialed health care professions.

NEW SECTION. Sec. 21. **REQUIRED SERVICE OBLIGATIONS.** After June 1, 1992, the board, in consultation with the department and the department of social and health services, shall:

(1) Establish the annual award amount for each credentialed health care profession which shall be based upon an assessment of reasonable annual eligible expenses involved in training and education for each credentialed health care profession. The annual award amount may be established at a level less than annual eligible expenses. The annual award amount shall not be more than fifteen thousand dollars per year. The awards shall not be paid for more than a maximum of five years per individual;

(2) Determine any scholarship awards for prospective physicians in such a manner to require the recipients declare an interest in serving in rural areas of the state of Washington. Preference for scholarships shall be given to students who reside in a rural physician shortage area or a nonshortage rural area of the state prior to admission to the eligible education and training program in medicine. Highest preference shall be given to students seeking admission who are recommended by sponsoring communities and who declare the intent of serving as a physician in a rural area. The board may require the sponsoring community located in a nonshortage rural area to financially contribute to the eligible expenses of a medical student if the student will serve in the nonshortage rural area;

(3) Establish the required service obligation for each credentialed health care profession, which shall be no less than three years or no more than five years. The required service obligation may be based upon the amount of the scholarship or loan repayment award such that higher awards involve longer service obligations on behalf of the participant;

(4) Determine eligible education and training programs for purposes of the scholarship portion of the program;

(5) Honor loan repayment and scholarship contract terms negotiated between the board and participants prior to the effective date of this section concerning loan repayment and scholarship award amounts and service obligations authorized under chapter 18.150, 28B.104, or 70.180 RCW.

Sec. 22. RCW 18.150.050 and 1989 1st ex.s. c 9 s 720 are each amended to read as follows:

(1) The board may grant loan repayment and scholarship awards to eligible participants from the funds appropriated for this purpose, or from any private or public funds given to the board for this purpose. ((The amount of the loan repayment shall not exceed fifteen thousand dollars per year for a maximum of five years. The board may establish awards of less than fifteen thousand dollars per year based upon reasonable levels of expenditures for each of the health professions covered by this chapter.)) Participants ((in the conditional scholarship program authorized by chapter 28B.104 RCW are ineligible to receive assistance from the program authorized by this chapter)) are ineligible to receive loan repayment if they have received a scholarship from programs authorized under this chapter or chapter 28B.104 or 70.180 RCW or are ineligible to receive a scholarship if they have received loan repayment authorized under this chapter or chapter 18.150 RCW.

(2) Funds appropriated for the program, including reasonable administrative costs, may be used by the board for the purposes of loan repayments or scholarships. The board shall annually establish the total amount of funding to be awarded for loan repayments and scholarships and such allocations shall be established based upon the best utilization of funding for that year and based upon the health personnel resource plan authorized in section 5 of this act.

(3) One portion of the funding appropriated for the program shall be used by the board as a recruitment incentive for communities participating in the community-based recruitment and retention program as authorized by sections 7 through 14 of this act; one portion of the funding shall be used by the board as a recruitment incentive for recruitment activities in state-operated institutions, county public health departments and districts, county human service agencies, federal and state contracted community health

clinics, and other health care facilities, such as rural hospitals that have been identified by the department, as providing substantial amounts of charity care or publicly subsidized health care; one portion of the funding shall be used by the board for all other awards. The board shall determine the amount of total funding to be distributed between the three portions.

NEW SECTION. Sec. 23. PARTICIPANT REQUIREMENT TO ACCEPT PAYMENT. In providing health care services the participant shall not discriminate against a person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance including Title XIX of the federal social security act or under the state medical assistance program authorized by chapter 74.09 RCW and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of the federal social security act for all services for which payment may be made under part B of Title XVIII of the federal social security act and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX of the federal social security act to provide services to individuals entitled to medical assistance under the plan and enters into appropriate agreements with the department of social and health services for medical care services under chapter 74.09 RCW. Participants found by the board or the department in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.

Sec. 24. RCW 18.150.060 and 1989 1st ex.s. c 9 s 721 are each amended to read as follows:

Participants in the health professional loan repayment and scholarship program who are awarded loan repayments shall receive payment from the program for the purpose of repaying educational loans secured while attending a program of health professional training which led to ~~((licensure as a licensed))~~ a credential as a credentialed health professional in the state of Washington.

(1) Participants shall agree to ~~((serve at least three years))~~ meet the required service obligation in a designated health professional shortage area.

(2) ~~((In providing health care services the participant shall not discriminate against any person on the basis of the person's ability to pay for such services or because payment for the health care services provided to such persons will be made under the insurance program established under part A or B of Title XVIII of the federal social security act or under a state plan for medical assistance approved under Title XIX of the federal social security act and agrees to accept assignment under section 18.42(b)(3)(B)(ii) of such act for all services for which payment may be made under part B of Title XVIII and enters into an appropriate agreement with the department of social and health services for medical assistance under Title XIX to provide services to individuals entitled to medical assistance under the plan. Participants found by the board in violation of this section shall be declared ineligible for receiving assistance under the program authorized by this chapter.~~

~~((3))~~ Repayment shall be limited to ~~((reasonable))~~ eligible educational and living expenses as determined by the board and shall include principal and interest.

~~((4))~~ (3) Loans from both government and private sources may be repaid by the program. Participants shall agree to allow the board access to loan records and to acquire information from lenders necessary to verify eligibility and to determine payments. Loans may not be renegotiated with lenders to accelerate repayment.

~~((5))~~ (4) Repayment of loans established pursuant to this program shall begin no later than ninety days after the individual has become a participant. Payments shall be made quarterly, or more frequently if deemed appropriate by the board, to the participant until the loan is repaid or the participant becomes ineligible due to discontinued service

in a health professional shortage area or after the ~~((fifth year of services))~~ required service obligation when eligibility discontinues, whichever comes first.

~~((6))~~ (5) Should the participant discontinue service in a health professional shortage area payments against the loans of the participants shall cease to be effective on the date that the participant discontinues service.

~~((7))~~ (6) Except for circumstances beyond their control, participants who serve less than ~~((three years))~~ the required service obligation shall be obligated to repay to the program an amount equal to twice the total amount paid by the program on their behalf in addition to any payments on the unsatisfied portion of the principal and interest. The board shall determine the applicability of this subsection.

~~((8))~~ (7) The board is responsible for the collection of payments made on behalf of participants from the participants who discontinue service before ~~((their three year))~~ completion of the required service obligation. The board shall exercise due diligence in such collection, maintaining all necessary records to ensure that the maximum amount of payment made on behalf of the participant is recovered. Collection under this section shall be pursued using the full extent of the law, including wage garnishment if necessary.

~~((9))~~ (8) The board shall not be held responsible for any outstanding payments on principal and interest to any lenders once a participant's eligibility expires.

NEW SECTION. Sec. 25. PARTICIPANT OBLIGATION--SCHOLARSHIPS.

(1) Participants in the health professional loan repayment and scholarship program who are awarded scholarships incur an obligation to repay the scholarship, with interest, unless they serve the required service obligation in a health professional shortage area in the state of Washington.

(2) The terms of the repayment, including deferral and rate of interest, shall be consistent with the terms of the federal guaranteed student loan program.

(3) The period for repayment shall coincide with the required service obligation, with payments accruing quarterly commencing no later than nine months from the date the participant completes or discontinues the course of study or completes or discontinues the required residency.

(4) The entire principal and interest of each payment shall be forgiven for each payment period in which the participant serves in a health professional shortage area until the entire repayment obligation is satisfied or the borrower ceases to so serve. Should the participant cease to serve in a health professional shortage area of this state before the participant's repayment obligation is completed, payments on the unsatisfied portion of the principal and interest shall begin the next payment period and continue until the remainder of the participant's repayment obligation is satisfied. Except for circumstances beyond their control, participants who serve less than the required service obligation shall be obliged to repay to the program an amount equal to twice the total amount paid by the program on their behalf.

(5) The board is responsible for collection of repayments made under this section and shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The board is responsible to forgive all or parts of such repayments under the criteria established in this section and shall maintain all necessary records of forgiven payments.

(6) Receipts from the payment of principal or interest or any other subsidies to which the board as administrator is entitled, which are paid by or on behalf of participants under this section, shall be deposited with the board and shall be used to cover the costs of granting the scholarships, maintaining necessary records, and making collections under subsection (5) of this section. The board shall maintain accurate records of these costs,

and all receipts beyond those necessary to pay such costs shall be used to grant scholarships to eligible students.

(7) Sponsoring communities who financially contribute to the eligible financial expenses of eligible medical students may enter into agreements with the student to require repayment should the student not serve the required service obligation in the community as a primary care physician. The board may develop criteria for the content of such agreements with respect to reasonable provisions and obligations between communities and eligible students.

(8) The board may make exceptions to the conditions for participation and repayment obligations should circumstances beyond the control of individual participants warrant such exceptions.

Sec. 26. RCW 28B.20.500 and 1990 c 271 s 9 are each amended to read as follows:

The school of medicine at the University of Washington shall develop and implement a policy to grant admission preference to prospective medical students from rural areas of the state who agree to serve for at least five years as primary care physicians in rural areas of Washington after completion of their medical education and have applied for and meet the qualifications of the program under ~~((RCW 70.180.050))~~ chapter 28B.-- RCW (codified pursuant to section 36 of this act). Should the school of medicine be unable to fill any or all of the admission openings due to a lack of applicants from rural areas who meet minimum qualifications for study at the medical school, it may admit students not eligible for preferential admission under this section.

Sec. 27. RCW 70.180.005 and 1990 c 271 s 1 are each amended to read as follows:

The legislature finds that a health care access problem exists in rural areas of the state ~~((due to a lack of practicing physicians, physician assistants, pharmacists, and advanced registered nurse practitioners. In addition, many of these))~~ because rural health care providers are unable to leave the community for short-term periods of time to attend required continuing education training or for personal matters because their absence would leave the community without adequate medical care coverage. The lack of adequate medical coverage in geographically remote rural communities constitutes a threat to the health and safety of the people in those communities.

The legislature declares that it is in the public interest to recruit and maintain a pool of physicians, physician assistants, pharmacists, and advanced registered nurse practitioners willing and able on short notice to practice in rural communities on a short-term basis to meet the medical needs of the community.

NEW SECTION. Sec. 28. DEDICATED ACCOUNT--TRUST FUND. (1) Any funds appropriated by the legislature for the health professional loan repayment and scholarship program or any other public or private funds intended for loan repayments or scholarships under this program shall be placed in the account created by this section.

(2) The health professional loan repayment and scholarship program fund is created in custody of the state treasurer. All receipts from the program shall be deposited into the fund. Only the higher education coordinating board, or its designee, may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. Sec. 29. A new section is added to chapter 70.180 RCW to read as follows:

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

(1) "Department" means the department of health.

(2) "Rural areas" means a rural area in the state of Washington as identified by the department.

NEW SECTION. Sec. 30. A new section is added to chapter 18.53 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--OPTOMETRY. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 31. A new section is added to chapter 18.35 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--HEARING AIDE DISPENSERS. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the board determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 32. A new section is added to chapter 18.50 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--MIDWIFERY. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 33. A new section is added to chapter 18.34 RCW to read as follows:

CREDENTIALING BY ENDORSEMENT--DISPENSING OPTICIANS. An applicant holding a credential in another state may be credentialed to practice in this state without examination if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

"PART 7

NONTRADITIONAL TREATMENT"

Sec. 34. RCW 18.130.180 and 1989 c 270 s 33 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient.

"PART 8

MISCELLANEOUS"

NEW SECTION. Sec. 35. The following acts or parts of acts are each repealed:

(1) RCW 18.150.080 and 1989 1st ex.s. c 9 s 723;

(2) RCW 28B.102.010 and 1987 c 437 s 1;

(3) RCW 28B.102.020 and 1987 c 437 s 2;

- (4) RCW 28B.102.030 and 1987 c 437 s 3;
- (5) RCW 28B.102.040 and 1987 c 437 s 4;
- (6) RCW 28B.102.045 and 1988 c 125 s 7;
- (7) RCW 28B.102.050 and 1987 c 437 s 5;
- (8) RCW 28B.102.060 and 1987 c 437 s 6;
- (9) RCW 28B.102.070 and 1987 c 437 s 7;
- (10) RCW 28B.102.900 and 1987 c 437 s 9;
- (11) RCW 28B.102.905 and 1987 c 437 s 10;
- (12) RCW 70.180.007 and 1990 c 271 s 5;
- (13) RCW 70.180.010 and 1990 c 271 s 6;
- (14) RCW 70.180.050 and 1990 c 271 s 7;
- (15) RCW 70.180.060 and 1990 c 271 s 8;
- (16) RCW 70.180.070 and 1990 c 271 s 10;
- (17) RCW 70.180.080 and 1990 c 271 s 11;
- (18) RCW 70.180.090 and 1990 c 271 s 12;
- (19) RCW 70.180.100 and 1990 c 271 s 13; and
- (20) RCW 70.180.910 and 1990 c 271 s 19.

NEW SECTION. Sec. 36. RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.900, and 18.150.910 are each recodified as a new chapter in Title 28B RCW.

NEW SECTION. Sec. 37. Sections 17, 19, 20, 21, 23, 25, and 28 of this act are each added to the new chapter in Title 28B RCW created by section 36 of this act.

NEW SECTION. Sec. 38. Sections 4 and 5 of this act shall constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 39. Sections 7 through 14 of this act shall constitute a new chapter in Title 70 RCW.

Sec. 40. RCW 18.92.015 and 1991 c 3 s 238 are each amended to read as follows:

~~((The term))~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Animal technician" means a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals or had five years' practical experience, acceptable to the board, with a licensed veterinarian.

"Board" ((used in this chapter shall)) means the Washington state veterinary board of governors(, and the term "secretary" shall).

"Department" means the department of health.

"Secretary" means the secretary of ((health of the state of Washington)) the department of health.

~~(("Animal technician" shall mean a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals, or a person who has had five years practical experience acceptable to the board with a licensed veterinarian.))~~

NEW SECTION. Sec. 41. A new section is added to chapter 18.92 RCW to read as follows:

(1) The department may issue a license to practice specialized veterinary medicine in this state to a veterinarian who:

(a) Submits an application on a form provided by the secretary for a license in a specialty area recognized by the board by rule;

(b) Holds a current certification as a diplomate of a national specialty board or college recognized by the board by rule in the specialty area for which application is submitted;

(c) Is not subject to license investigation, suspension, revocation, or other disciplinary action in any state, United States territory, or province of Canada;

(d) Has successfully completed an examination established by the board regarding this state's laws and rules regulating the practice of veterinary medicine; and

(e) Provides other information and verification required by the board.

(2) A veterinarian licensed to practice specialized veterinary medicine shall not practice outside his or her licensed specialty unless he or she meets licensing requirements established for practicing veterinary medicine, surgery, and dentistry under RCW 18.92.070 and 18.92.100.

(3) The board shall determine by rule the limits of the practice of veterinary medicine, surgery, and dentistry represented by a license to practice specialized veterinary medicine.

(4) The board may deny, revoke, suspend, or modify a license to practice specialized veterinary medicine if the national specialty board or college certifying the licensee denies, revokes, suspends, modifies, withdraws, or otherwise limits the certification or if the certification expires.

Sec. 42. RCW 18.92.145 and 1991 c 3 s 248 are each amended to read as follows:

The secretary shall determine the fees, as provided in RCW 43.70.250, for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

(1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;

(2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;

(3) For a certificate of registration as an animal technician;

(4) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee;

(5) For a license to practice specialized veterinary medicine.

Section captions and part headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 43. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 44. If specific funding for the purposes of sections 1 through 39 of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 1 through 39 of this act shall be null and void.

NEW SECTION. Sec. 45. Nothing in sections 1-through 39 of this act is intended to change the scope of practice of any health care profession referred to in sections 1 through 39 of this act.

On page 1, line 1 of the title, after "regulation;" strike the remainder of the title, and insert "amending RCW 18.130.010, 18.120.030, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 28B.20.500, 70.180.005, 18.130.180, 18.92.015, and 18.92.145; adding new sections to chapter 18.130 RCW; adding a new section to chapter 70.180 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.92 RCW; adding new chapters to Title 28B RCW; adding a new chapter to Title 70 RCW; creating new sections; recodifying RCW 18.150.010, 18.150.020, 18.150.030, 18.150.040, 18.150.050, 18.150.060, 18.150.070, 18.150.080, 18.150.900, and 18.150.910; repealing RCW 18.150.080, 28B.102.010, 28B.102.020, 28B.102.030, 28B.102.040, 28B.102.045, 28B.102.050, 28B.102.060, 28B.102.070, 28B.102.900, 28B.102.905, 70.180.007,

70.180.010, 70.180.050, 70.180.060, 70.180.070, 70.180.080, 70.180.090, 70.180.100, and 70.180.910; prescribing penalties; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1960 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Braddock, Prentice and Moyer as conferees on Engrossed Substitute House Bill No. 1960.

SENATE AMENDMENT TO HOUSE BILL

April 9, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877 with the following amendment:

On page 2, line 13, after "center" insert ", guided by the policies established by the 1989 Commission on Old Growth Alternatives for Washington's Forest Trust Lands," and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Belcher moved that the House refuse to concur in the Senate amendment to Engrossed Substitute House Bill No. 1877 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Belcher, Hargrove and Brumsickle as conferees on Engrossed Substitute House Bill No. 1877.

SENATE AMENDMENT TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1352 with the following amendment:

On page 4, line 11, after "their" insert "collective bargaining" and after "review." insert "Employers may satisfy the availability requirement by requesting a copy of the reports from the department."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Heavey moved that the House refuse to concur in the Senate amendment to Engrossed House Bill No. 1352 and ask the Senate for a conference thereon. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1757 with the following amendments:

On page 15, after line 4, insert the following:

Sec. 7. RCW 46.61.502 and 1987 c 373 s 2 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state while:

~~((1))~~ (a) The person has ~~((0.10 grams or more of alcohol per two hundred ten liters of breath))~~ alcohol in his or her breath at or above the alcohol concentration standard defined in subsection (2) of this section, as shown by analysis of the person's breath made under RCW 46.61.506; or

~~((2))~~ (b) The person has ~~((0.10 percent or more by weight of alcohol in the person's blood))~~ alcohol in his or her blood at or above the alcohol concentration standard defined in subsection (2) of this section as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ (c) The person is under the influence of or affected by intoxicating liquor or any drug; or

~~((4))~~ (d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) "Alcohol concentration standard" means:

(a) For a person under the age of twenty-one years:

(i) Any amount more than 0.04 grams of alcohol per two hundred ten liters of breath; or

(ii) Any more than 0.04 percent by weight of alcohol in the blood; and

(b) For a person age twenty-one years or older:

(i) 0.08 grams of alcohol per two hundred ten liters of breath; or

(ii) 0.08 percent by weight of alcohol in the blood.

(3) The fact that any person charged with a violation of this section is or has been entitled to use ~~((such))~~ a drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Sec. 8. RCW 46.61.504 and 1987 c 373 s 3 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state while:

~~((1))~~ (a) The person has ~~((0.10 grams or more of alcohol per two hundred ten liters of breath))~~ alcohol in his or her breath at or above the alcohol concentration

standard defined in RCW 46.61.502, as shown by analysis of the person's breath made under RCW 46.61.506; or

~~((2))~~ (b) ~~The person has ((0.10 percent or more by weight of alcohol in the person's blood))~~ alcohol in his or her blood at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's blood made under RCW 46.61.506; or

~~((3))~~ (c) The person is under the influence of or affected by intoxicating liquor or any drug; or

~~((4))~~ (d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. No person may be convicted under this section if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

Sec. 9. RCW 46.61.506 and 1987 c 373 s 4 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood or breath is less than ~~((0.10 percent by weight of alcohol in his blood or 0.10 grams of alcohol per two hundred ten liters of the person's breath))~~ the alcohol concentration standard defined in RCW 46.61.502, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

Sec. 10. RCW 9.41.098 and 1989 c 222 s 8 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having ~~((0.10 grams or more of alcohol per two hundred ten liters of breath or 0.10 percent or more by weight of alcohol in the person's blood))~~ alcohol in his or her breath or blood at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess. All firearms legal for citizen possession that are judicially forfeited or forfeited due to failure to make a claim under RCW 63.32.010, 63.40.010, or 63.35.020 shall be submitted for auction to commercial sellers once a year if the submitting agency has accumulated at least ten firearms authorized for sale. Law enforcement agencies may conduct joint auctions for the purpose of maximizing efficiency. A maximum of ten percent of such firearms may be retained for use by local law enforcement agencies and the Washington state patrol. Before submission for auction, a court may temporarily retain forfeited firearms if needed for evidence. The proceeds from any sale shall be divided as follows: The local jurisdiction and the Washington state patrol shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state department of wildlife for use in its firearms training program pursuant to RCW 77.32.155.

If a firearm is delivered to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm by auction as provided by this subsection. The public auctioning agency shall, as a minimum, maintain a record of all forfeited firearms by manufacturer, model, caliber, serial number, date and circumstances of forfeiture, and final disposition. The records shall be open to public inspection and copying.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed

or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 11. RCW 88.02.095 and 1990 c 231 s 3 & 1990 c 31 s 1 are each reenacted and amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a negligent manner. For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.

(2) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while:

(a) The person has (~~0.10 grams or more of alcohol per two hundred ten liters of breath~~) alcohol in his or her breath at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) The person has (~~0.10 percent or more by weight of alcohol in the person's blood~~) alcohol in his or her blood at or above the alcohol concentration standard defined in RCW 46.61.502, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.

(5) A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

On page 1, line 2 of the title, after "drug;" strike "and"

On page 1, line 3 of the title, after "46.61.990," strike "and" and after "70.96A.120" insert ", 46.61.502, 46.61.504, 46.61.506, and 9.41.098; and reenacting and amending RCW 88.02.095"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Mr. Appelwick: Thank you, Mr. Speaker. I would like to raise a point of order and ask the Speaker to rule on the scope and object of the Senate amendments.

With consent of the House, further consideration of House Bill No. 1757 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534 with the following amendments:

On page 3, after line 28, insert the following:

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title, and insert "reenacting and amending RCW 74.09.520; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1534. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1534 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1534 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley,

Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

Engrossed Substitute House Bill No. 1534 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1536 with the following amendments:

On page 3, after line 28, insert the following:

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title, and insert "reenacting and amending RCW 74.09.520; and declaring an emergency." and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Ms. Spanel moved that the House do concur in the Senate amendments to House Bill No. 1536. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1536 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1536 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 1, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel,

Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood - 02.

House Bill No. 1536 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5526, and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Anderson, Bauer and Matson, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 23, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231. The President has appointed the following members as Conferees: Senators Patterson, Nelson and Vognild.

W. D. Naismith, Deputy Secretary.

April 23, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341. The President has appointed the following members as Conferees: Senators Anderson, Owen and Amondson.

W. D. Naismith, Deputy Secretary.

April 23, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1401. The President has appointed the following members as Conferees: Senators Craswell, Niemi and Saling.

W. D. Naismith, Deputy Secretary.

April 23, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426. The President has appointed the following members as Conferees: Senators Hayner, Jesernig and Barr.

W. D. Naismith, Deputy Secretary.

April 23, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440. The President has appointed the following members as Conferees: Senators Matson, Murray and Bluechel.

W. D. Naismith, Deputy Secretary.

April 23, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1452. The President has appointed the following members as Conferees: Senators Patterson, Skratek and Nelson.

W. D. Naismith, Deputy Secretary.

MOTION

On motion of Ms. Cole, Representative Zellinsky was excused.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2048 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.130 RCW to read as follows:

The disciplining authority may adopt rules pursuant to this section authorizing a retired active license status. An individual credentialed by a disciplining authority regulated in the state under RCW 18.130.040, who is practicing only in emergent or intermittent circumstances as defined by rule established by the disciplining authority, may hold a retired active license at a reduced renewal fee established by the secretary under RCW 43.70.250. Such a license shall meet the continuing education or continued competency requirements, if any, established by the disciplining authority for renewals, and is subject to the provisions of this chapter. Individuals who have entered into retired status agreements with the disciplinary authority in any jurisdiction shall not qualify for a retired active license under this section.

NEW SECTION. Sec. 2. A new section is added to chapter 18.64 RCW to read as follows:

The board may adopt rules pursuant to this section authorizing a retired active license status. An individual licensed pursuant to this chapter, who is practicing only in emergent or intermittent circumstances as defined by rule established by the board, may hold a retired active license at a reduced renewal fee established by the secretary under RCW 43.70.250. Such a license shall meet the continuing education requirements, if any, established by the board for renewals, and is subject to the provisions of the uniform disciplinary act, chapter 18.130 RCW. Individuals who have entered into retired status

agreements with the disciplinary authority in any jurisdiction shall not qualify for a retired active license under this section.

Sec. 3. RCW 18.64.043 and 1989 1st ex.s. c 9 s 414 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the secretary, and annually thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve, for the period ending on a date to be determined by the secretary, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the department on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the department of any change of location or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid (~~for sixty days from~~) on the date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 4. RCW 18.64.045 and 1989 1st ex.s. c 9 s 416 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which the owner shall receive a license of location from the department, which shall entitle the owner to manufacture drugs at the location specified for the period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the department of any change of location or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid (~~for sixty days from~~) on the date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 5. RCW 18.64.046 and 1989 1st ex.s. c 9 s 417 are each amended to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the secretary, and thereafter, on or before a date to be determined by the secretary, a like fee to be determined by the secretary, for which the owner shall receive a license of location from the department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the

department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid (~~for sixty days from~~) on the date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 6. RCW 18.64.047 and 1989 1st ex.s. c 9 s 418 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the secretary on a date to be determined by the secretary. The department may issue a registration to such vendor on an approved application made to the department. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such registration fee remains unpaid (~~for sixty days from~~) on the date due, no renewal or new registration shall be issued except upon payment of the registration renewal fee and a penalty fee equal to the renewal fee. This registration shall not authorize the sale of legend drugs or controlled substances.

Sec. 7. RCW 18.64.140 and 1989 1st ex.s. c 9 s 421 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the department a license, the fee for which shall be determined by the secretary. The renewal fee shall also be determined by the secretary. The date of renewal may be established by the secretary by regulation and the department may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board and department regulations. Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license (~~more than sixty days after the renewal is due~~). The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the department an inactive license. The initial license and renewal fees shall be determined by the secretary. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

Sec. 8. RCW 69.45.070 and 1989 1st ex.s. c 9 s 447 are each amended to read as follows:

The department may charge reasonable fees for registration. The registration fee shall not exceed the fee charged by the department for a pharmacy location license. If the registration fee is not paid on or before the date due, a renewal or new registration may be issued only upon payment of the registration renewal fee and a penalty fee equal to the registration renewal fee.

Sec. 9. RCW 69.50.301 and 1989 1st ex.s. c 9 s 431 are each amended to read as follows:

The state board of pharmacy may promulgate rules and the secretary may set fees (~~of not less than ten dollars or more than fifty dollars~~) in accordance with RCW 43.70.250 relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

NEW SECTION. Sec. 10. A new section is added to chapter 18.64A RCW to read as follows:

If a pharmacy assistant allows his or her certificate to lapse by failing to renew on or before the date due, a renewal or new license may be issued only upon payment of the certification fee and a penalty fee equal to the original certification fee.

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 18.64.043, 18.64.045, 18.64.046, 18.64.047, 18.64.140, 69.45.070, and 69.50.301; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.64 RCW; and adding a new section to chapter 18.64A RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Substitute House Bill No. 2048. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2048 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill NO. 2048 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslie, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 2048 as amended by the Senate, having received the constitutional majority, was declared passed.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Heavey, Jones and Vance as conferees on Engrossed House Bill No. 1352.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1586 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.38.025 and 1989 1st ex.s. c 9 s 602 are each amended to read as follows:

When used in this chapter, the terms defined in this section shall have the meanings indicated.

(1) "Board of health" means the state board of health created pursuant to chapter 43.20 RCW.

(2) "Capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor) which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required review if the acquisition had been made by purchase, such expenditure shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility which if acquired directly by such facility would be subject to certificate of need review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review. The cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure.

(3) "Continuing care retirement community" means an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service. A "continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(4) "Department" means the department of health.

(5) "Expenditure minimum" means, for the purposes of the certificate of need program, one million dollars adjusted by the department by rule to reflect changes in the United States department of commerce composite construction cost index; or a lesser amount required by federal law and established by the department by rule.

(6) "Health care facility" means hospices, hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers, ambulatory surgical facilities, (~~continuing care retirement communities,~~) and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated, listed, or certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term does not include any nonprofit hospital: (a) Which is operated exclusively to provide health care services for children; (b) which does not charge fees for such services; and (c) if not contrary to

federal law as necessary to the receipt of federal funds by the state. ((In addition, the term does not include a continuing care retirement community which: (i) Offers services only to contractual members; and (ii) provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living; and (iii) contractually assumes responsibility for costs of services exceeding the member's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its members, no third party, including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources; and (iv) has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home; and (v) maintains a binding agreement with the department of social and health services assuring that financial liability for services to members, including nursing home services, shall not fall upon the department of social and health services; and (vi) does not operate, and has not undertaken, a project which would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and (vii) has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long term solvency was obtained by the retirement community within the prior five years and fully disclosed to members.))

(7) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, section 1310(d) of the Public Health Services Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency, and preventive services, and out-of-area coverage; (ii) is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) to enrolled participants by a payment which is paid on a periodic basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and (iii) provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(8) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services and as defined in federal law.

(9) "Health service area" means a geographic region appropriate for effective health planning which includes a broad range of health services.

(10) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(11) "Provider" generally means a health care professional or an organization, institution, or other entity providing health care but the precise definition for this term shall be established by rule of the department, consistent with federal law.

(12) "Public health" means the level of well-being of the general population; those actions in a community necessary to preserve, protect, and promote the health of the people for which government is responsible; and the governmental system developed to guarantee the preservation of the health of the people.

(13) "Secretary" means the secretary of health or the secretary's designee.

(14) "Tertiary health service" means a specialized service that meets complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(15) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

Sec. 2. RCW 70.38.111 and 1989 1st ex.s. c 9 s 604 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet

the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a) (ii) or (iii) or the requirements of (1)(b) (i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements only to the offering of inpatient tertiary health services and then only to the extent that such offering is not exempt under the provisions of this section.

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

On page 1, line 1 of the title, after "communities;" strike the remainder of the title and insert "and amending RCW 70.38.025 and 70.38.111." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Substitute House Bill No. 1586. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1586 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1586 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 1586 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 2.42.110 and 1985 c 389 s 11 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) (~~("Hearing"))~~ "Impaired person" means a person who, because of a hearing or speech impairment, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, speech impaired, or hard of hearing.

(2) "Qualified interpreter" means (~~(an interpreter who is certified by the registry of interpreters for the deaf with the certificate level specified below and who meets the requirements of RCW 2.42.130.~~

(a) ~~For judicial proceedings involving a class A felony, use of the services of a qualified interpreter holding the specialist certificate legal is required.~~

(b) ~~For other judicial, quasi-judicial, or administrative proceedings, use of the services of a qualified interpreter holding the specialist certificate legal, master's comprehensive skills certificate, or comprehensive skills certificate is required.~~

(c) ~~For programs and activities other than judicial or administrative proceedings, the services of a qualified interpreter holding a partial certification shall be required. Efforts to obtain the services of a qualified interpreter holding the master's comprehensive certificate or comprehensive skills certificate shall be made before obtaining the services of a qualified interpreter holding the interpreting certificate and/or the transliterating certificate)~~ a visual language interpreter who is certified by the state or is certified by the registry of interpreters for the deaf to hold the comprehensive skills certificate or both certificates of interpretation and transliteration, or an interpreter who can readily translate statements of speech impaired persons into spoken language.

~~((4))~~ (3) "Intermediary interpreter" means a hearing impaired interpreter who holds a reverse skills certificate by the state or is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of RCW 2.42.130, and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified hearing interpreter.

~~((5))~~ (4) "Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision.

Sec. 2. RCW 2.42.130 and 1985 c 389 s 13 are each amended to read as follows:

(1) If a qualified interpreter for a hearing impaired person is required, the appointing authority shall request a qualified interpreter and/or an intermediary interpreter through the department of social and health services, office of deaf services, or through any community center for hearing impaired persons which operates an interpreter referral service. The office of deaf services and these community centers shall maintain an up-to-date list or lists of interpreters that are certified by the state and/or by the registry of interpreters for the deaf.

(2) The appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the hearing impaired person, that the interpreter is able in that particular proceeding, program, or activity to interpret accurately all communication to and from the hearing impaired person. If at any time during the proceeding, program, or activity, in the opinion of the hearing impaired person or a

qualified observer, the interpreter does not provide accurate, impartial, and effective communication with the hearing impaired person the appointing authority shall appoint another qualified interpreter. No otherwise qualified interpreter who is a relative of any participant in the proceeding may be appointed.

Sec. 3. RCW 2.42.160 and 1985 c 389 s 16 are each amended to read as follows:

(1) A qualified and/or intermediary interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law.

(2) A qualified and/or intermediary interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

Sec. 4. RCW 2.42.170 and 1985 c 389 s 17 are each amended to read as follows:

A qualified and/or intermediary interpreter appointed under this chapter is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

- (1) RCW 2.42.020 and 1989 c 358 s 13, 1983 c 222 s 2, & 1973 c 22 s 2;
- (2) RCW 2.42.030 and 1973 c 22 s 3; and
- (3) RCW 2.42.040 and 1973 c 22 s 4.

On page 1, line 1 of the title, after "interpreters;" strike the remainder of the title and insert "amending RCW 2.42.110, 2.42.130, 2.42.160, and 2.42.170; and repealing RCW 2.42.020, 2.42.030, and 2.42.040." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1727. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1727 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1727 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden,

Orr, Padden, Paris, Peery, Phillips, Prentice; Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

- Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed Substitute House Bill No. 1727 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1883 with the following amendments:

On page 2, after line 12, insert the following new section:

NEW SECTION. Sec. 3. A new section is added to chapter 19.112 RCW to read as follows:

The director may, with the concurrence of the department of ecology, grant a variance from the ASTM standards if necessary to produce a lower emission motor fuel.

On page 1, line 1 of the title, after "gasohol;" strike the remainder of the title, and insert "amending RCW 19.112.010 and 82.36.225; and adding a new section to chapter 19.112 RCW."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1883. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1883 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1883 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden,

Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed House Bill No. 1883 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1997 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that sex offender registration has assisted law enforcement agencies in protecting their communities. This act is intended to clarify and amend the deadlines for sex offenders to register. This act's clarification or amendment of RCW 9A.44.130 does not relieve the obligation of sex offenders to comply with the registration requirements of RCW 9A.44.130 as that statute exists before the effective date of this act.

Sec. 2. RCW 9A.44.130 and 1990 c 3 s 402 are each amended to read as follows:

(1) Any adult or juvenile residing in this state who has been found to have committed or has been convicted of any sex offense shall register with the county sheriff for the county of the person's residence.

(2) The person shall ~~((, within forty five days of establishing residence in Washington, or if a current resident within thirty days of release from confinement, if any,))~~ provide the county sheriff with the following information when registering: (a) Name; (b) address; (c) date and place of birth; (d) place of employment; ~~((d))~~ (e) crime for which convicted; ~~((e))~~ (f) date and place of conviction; ~~((f))~~ (g) aliases used; and ~~((g))~~ (h) social security number.

(3)(a) Sex offenders shall register within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses:

(i) SEX OFFENDERS IN CUSTODY. Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after the effective date of this act, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The agency that has jurisdiction over the offender shall provide notice to the sex offender of the duty to register. Failure to register within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (7) of this section.

(ii) SEX OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders, who, on the effective date of this act, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the active supervision of the state department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of the effective date of this act.

(iii) SEX OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders who are convicted of a sex offense on or after the effective date of this act for a sex offense that was committed on or after February 28, 1990, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(iv) SEX OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS. Sex offenders who move to Washington state from another state that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state, federal statutes, or Washington state for offenses committed on or after February 28, 1990. Sex offenders from other states who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (7) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to the effective date of this act.

(4) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within ten days of establishing the new residence. If any person required to register pursuant to this section moves to a new county, the person must register with the county sheriff in the new county within ten days of establishing the new residence. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered.

((4)) (5) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

((5)) (6) "Sex offense" for the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330 means any offense defined as a sex offense by RCW 9.94A.030(;

(a) Committed on or after February 28, 1990; or

(b) Committed prior to February 28, 1990, if the person, as a result of the offense, is under the custody or active supervision of the department of corrections or the department of social and health services on or after February 28, 1990)).

~~((6))~~ (7) A person who knowingly fails to register as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony. If the crime was other than a class A felony or a federal or out-of-state conviction for an offense that under the laws of this state would be a class A felony, violation of this section is a gross misdemeanor.

Sec. 3. RCW 9A.44.140 and 1990 c 3 s 408 are each amended to read as follows:

(1) The duty to register under RCW 9A.44.130 shall end:

(a) For a person convicted of a class A felony: Such person may only be relieved of the duty to register under subsection (2) or (3) of this section.

(b) For a person convicted of a class B felony: Fifteen years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent fifteen consecutive years in the community without being convicted of any new offenses.

(c) For a person convicted of a class C felony: Ten years after the last date of release from confinement, if any, (including full-time residential treatment) pursuant to the conviction, or entry of the judgment and sentence, if the person has spent ten consecutive years in the community without being convicted of any new offenses.

(2) Any person having a duty to register under RCW 9A.44.130 may petition the superior court to be relieved of that duty. The petition shall be made to the court in which the petitioner was convicted of the offense that subjects him or her to the duty to register, or, in the case of convictions in other states, to the court in Thurston county. The prosecuting attorney of the county shall be named and served as the respondent in any such petition. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after conviction, and may consider other factors. Except as provided in subsection (3) of this section, the court may relieve the petitioner of the duty to register only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(3) An offender having a duty to register under RCW 9A.44.130 for a sex offense committed when the offender was a juvenile may petition the superior court to be relieved of that duty. The court shall consider the nature of the registrable offense committed, and the criminal and relevant noncriminal behavior of the petitioner both before and after adjudication, and may consider other factors. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was fifteen years of age or older only if the petitioner shows, with clear and convincing evidence, that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The court may relieve the petitioner of the duty to register for a sex offense that was committed while the petitioner was under the age of fifteen if the petitioner (a) has not been adjudicated of any additional sex offenses during the twenty-four months following the adjudication for the sex offense giving rise to the duty to register, and (b) the petitioner proves by a preponderance of the evidence that future registration of the petitioner will not serve the purposes of RCW 9A.44.130, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330.

(4) Unless relieved of the duty to register pursuant to this section, a violation of RCW 9A.44.130 is an ongoing offense for purposes of the statute of limitations under RCW 9A.04.080.

~~((4))~~ (5) Nothing in RCW 9.94A.220 relating to discharge of an offender shall be construed as operating to relieve the offender of his or her duty to register pursuant to RCW 9A.44.130.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "registration;" strike the remainder of the title and insert "amending RCW 9A.44.130 and 9A.44.140; creating a new section; and prescribing penalties."and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Substitute House Bill No. 1997. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1997 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1997 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 1997, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2140 with the following amendments:

On page 6, following line 4, insert the following:

"(m) Standard terms, including a standard and uniform definition of maintenance for all capital projects;"

Renumber the remaining subsection consecutively and correct internal references accordingly.

On page 6, line 11, after "transportation committee," insert "legislative evaluation and accountability program committee," and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Substitute House Bill No. 2140. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2140 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2140 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 2140 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1704 with the following amendment:

On page 8, line 14, after "another state" strike "or province," and insert "of the United States or province of a foreign country," and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House refuse to concur in the Senate amendment to Substitute House Bill No. 1704 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Cooper, R. Fisher and Mitchell as conferees on Substitute House Bill No. 1704.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.72.040 and 1986 c 300 s 2 are each amended to read as follows:

There is hereby created the "Washington state medical disciplinary board," which shall be composed of one holder of a valid license to practice medicine and surgery from each congressional district now existing or hereafter created in the state and ~~((three))~~ four members of the public who meet the qualifications contained in RCW 70.39.020(2) and one nonvoting physician assistant authorized to practice under chapter 18.71A RCW. The public members and the physician assistant member shall be appointed by the governor. The physician assistant member shall vote on matters relating to the disciplining of physician assistants. The physician assistant and public members' terms shall be for four years. In order to achieve staggered terms, the public member serving on the board on June 11, 1986, shall continue to serve until October 1, 1987. The remaining two public members shall be appointed to initial terms of three years and four years, respectively.

The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor of the board and shall represent it in all legal proceedings.

NEW SECTION. Sec. 2. A new section is added to chapter 18.72 RCW to read as follows:

To assist in identifying impairment related to alcohol abuse, the board may obtain a copy of the driving record of a physician or a physician assistant maintained by the department of licensing.

Sec. 3. RCW 18.130.180 and 1989 c 270 s 33 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred

or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

- (a) Alcohol;
- (b) Controlled substances; or
- (c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 18.72.040 and 18.130.180; and adding a new section to chapter 18.72 RCW."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2071 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Braddock, Prentice and Moyer as conferees on Engrossed Substitute House Bill No. 2071.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2093 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time and, for class AA counties, maturing before January 1, 2013, pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In class AA counties, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in counties other than class AA counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) For art museums, cultural museums, heritage activities and projects, the arts, ~~(and/or)~~ and the performing arts(-

~~(b))), including performing arts facilities constructed by municipalities with consideration to the proportional location of lodging facilities generating revenues under this section: Seventy-five percent from January 1, 1991, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012;~~

(ii) For stadium capital improvement projects, as defined in subsection (2)(b) of this section: Nineteen percent from January 1, 1991, through December 31, 2000, and twenty-six and five-tenths percent from January 1, 2001, through December 31, 2012; and

(iii) For tourism promotion: Six percent from January 1, 1991, through December 31, 2000, and three and five-tenths percent from January 1, 2001, through December 31, 2012.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1991, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Qualifying organizations receiving moneys under this subsection must be financially stable and have at least the following:

- (i) A legally constituted and working board of directors;
 - (ii) A record of artistic, heritage, or cultural accomplishments;
 - (iii) Been in existence and operating for at least two years;
 - (iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;
 - (v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and
 - (vi) Evidence that there has been independent financial review of the organization.
- Only qualifying organizations under this subsection and general purpose local governments are eligible to receive the remaining moneys spent under (a)(i) of this subsection.

From the taxes distributed each year under (a)(ii) of this subsection, five hundred thousand dollars shall be used by the county to fund the capital and operating costs of youth sport facilities owned and operated by a local governmental entity. No youth sport facility is eligible for funding of capital costs under this subparagraph unless (A) the local governmental entity provides matching funds equal to twenty-five percent of the total amount of funding required and (B) the local governmental entity applies the funds to expanding the use of the facilities by persons under eighteen years of age. Funds received for operating costs may also be used to extend the hours in which the facilities are open for use and may be used to provide referees and umpires for youth sports activities. As used in this subparagraph, capital costs include the design, acquisition, construction, maintenance, and improvement of fields and facilities for youth sports activities.

(c) At least nineteen and five-tenths percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) Moneys distributed to art museums, cultural museums, heritage activities and projects, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(e) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in a class AA county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(f) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

((€)) (g) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless

the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

~~((d))~~ (h) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

~~((e))~~ (i) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection ~~(3)((e))~~ (i) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

NEW SECTION. Sec. 2. This act shall take effect January 1, 1992.

On page 1, line 4 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 67.28.180; and providing an effective date." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 2093 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Wang, Locke and Holland as conferees on Engrossed House Bill No. 2093.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1051 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to:

(1) Promote the health, safety, and welfare of international student exchange visitors in Washington in accordance with uniform national standards;

(2) Promote quality education and living experiences for international student exchange visitors living in Washington;

(3) Promote international awareness among Washington residents, by encouraging Washington residents to interact with international student exchange visitors;

(4) Encourage public confidence in international student exchange visitor placement organizations operating in Washington;

(5) Encourage and assist with compliance with United States information agency regulations and nationally established standards; and

(6) Promote the existence and quality of international student visitor exchange programs operating in Washington.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "International student exchange visitor placement organization" or "organization" means a person, partnership, corporation, or other entity that regularly arranges the placement of international student exchange visitors for the purpose, in whole or in part, of allowing the student an opportunity to attend school in the United States.

(2) "International student exchange visitor" or "student" means any person eighteen years of age or under, or up to age twenty-one if enrolled or to be enrolled in high school in this state, placed by an international student exchange visitor placement organization, who enters the United States with a nonimmigrant visa.

NEW SECTION. Sec. 3. (1) All international student exchange visitor placement organizations that place students in public schools in the state shall register with the secretary of state.

(2) Failure to register is a violation of this chapter.

(3) Information provided to the secretary of state under this chapter is a public record.

(4) Registration shall not be considered or be represented as an endorsement of the organization by the secretary of state or the state of Washington.

NEW SECTION. Sec. 4. The secretary of state shall adopt standards for international student exchange visitor placement organizations. In adopting the standards, the secretary of state shall strive to adopt standards established by the United States Information Agency and the council on standards for international educational travel and strive to achieve uniformity with national standards. The secretary of state may incorporate standards established by the United States Information Agency or the council on standards for international educational travel by reference and may accept an organization's designation by the United States Information Agency or acceptance for listing by the council on standards for international educational travel as evidence of compliance with such standards.

NEW SECTION. Sec. 5. (1) An application for registration as an international student exchange visitor placement organization shall be submitted in the form prescribed by the secretary of state. The application shall include:

(a) Evidence that the organization meets the standards established by the secretary of state under section 4 of this act;

(b) The name, address, and telephone number of the organization, its chief executive officer, and the person within the organization who has primary responsibility for supervising placements within the state;

(c) The organization's unified business identification number, if any;

(d) The organization's United States Information Agency number, if any;

(e) Evidence of council on standards for international educational travel listing, if any;

(f) Whether the organization is exempt from federal income tax; and

(g) A list of the organization's placements in Washington for the previous academic year including the number of students placed, their home countries, the school districts in which they were placed, and the length of their placements.

(2) The application shall be signed by the chief executive officer of the organization and the person within the organization who has primary responsibility for supervising placements within Washington. If the secretary of state determines that the application is complete, the secretary of state shall file the application and the applicant is registered.

(3) International student exchange visitor placement organizations that have registered shall inform the secretary of state of any changes in the information required under subsection (1) of this section within thirty days of the change.

(4) Registration under this chapter is valid for one year. The registration may be renewed annually.

NEW SECTION. Sec. 6. The secretary of state may adopt rules as necessary to carry out its duties under this chapter. The rules may include providing for a reasonable registration fee, not to exceed fifty dollars, to defray the costs of processing registrations.

NEW SECTION. Sec. 7. International student exchange organizations that have agreed to provide services to place students in the state shall provide an informational document, in English, to each student, host family, and superintendent of the school district in which the student is being placed. The document shall be provided before placement and shall include the following:

(1) An explanation of the services to be performed by the organization for the student, host family, and school district;

(2) A summary of this chapter prepared by the secretary of state;

(3) Telephone numbers that the student, host family, and school district may call for assistance. The telephone numbers shall include, at minimum, an in-state telephone number for the organization, and the telephone numbers of the organization's national headquarters, if any, the United States Information Agency, and the office of the secretary of state.

NEW SECTION. Sec. 8. The secretary of state may, upon receipt of a complaint regarding an international student exchange organization, report the matter to the organization involved, the United States Information Agency, or the council on standards for international education travel, as he or she deems appropriate.

NEW SECTION. Sec. 9. Any person who violates any provision of this chapter or who willfully and knowingly gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, is guilty of a misdemeanor punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 10. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Violations of this chapter are not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall annually make available to school districts and approved private schools, from data supplied by the secretary of state, the names of international student exchange visitor placement organizations registered under chapter 19.--- RCW (sections 1 through 10 of this act) to place students in public schools in the state and a summary of the information the organizations have filed with the secretary of state under chapter 19.-- RCW (sections 1 through 10 of this act).

(2) The superintendent shall provide general information and assistance to school districts regarding international student exchange visitors, including, to the extent feasible with available resources, information on the type of visa required for enrollment, how to promote positive educational experiences for visiting exchange students, and how to integrate exchange students into the school environment to benefit the education of both the exchange students and students in the state.

NEW SECTION. Sec. 12. (1) The secretary of state shall create and chair a task force on international student exchange. The task force shall include representatives of the legislature, the office of the superintendent of public instruction, international student

exchange visitor placement organizations operating in Washington, school districts, business, exchange students, and other representatives as the secretary deems appropriate. Members shall be selected by the secretary of state.

(2) The task force shall, within available resources:

(a) Estimate the number of foreign exchange students studying in Washington schools in a given year, and provide summary information about the countries they are from, the school districts in which they are placed, the type of organization placing them, and the students' average length of stay;

(b) Estimate the number of public school students from this state who are foreign exchange students in other nations in a given year, and provide summary information about the school districts they are from, the countries in which they are placed, the type of organization placing them, and the students' average length of stay;

(c) Investigate ways to promote student and teacher exchanges with K-12 schools in other nations, with an emphasis on sending more Washington students to other nations;

(d) Examine reported problems in the international student exchange visitor placement industry operating in the public schools of the state and the effect of sections 1 through 10 of this act on these problems;

(e) Examine the adequacy of the fee structure established under section 6 of this act.

(3) The task force shall report findings and recommendations to the legislature by December 1, 1992.

(4) This section shall expire December 1, 1992.

Sec. 13. RCW 28A.300.200 and 1990 c 243 s 9 are each amended to read as follows:

To complement RCW 28A.630.230 and chapter 28B.107 RCW, the superintendent of public instruction shall ((encourage school districts to establish exchange programs for teachers with)), subject to available funding, coordinate and sponsor student and teacher exchanges between Washington schools and schools in Pacific Rim nations and other nations. The superintendent may solicit and accept grants and donations from public and private sources for the student and teacher exchange program.

Sec. 14. RCW 74.15.020 and 1988 c 176 s 912 are each amended to read as follows:

For the purpose of chapter 74.15 RCW and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Department" means the state department of social and health services;

(2) "Secretary" means the secretary of social and health services;

(3) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(b) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(c) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(d) "Day-care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036.

(4) "Agency" shall not include the following:

(a) Persons related by blood or marriage to the child, expectant mother, or persons with developmental disabilities in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, and/or first cousin;

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person does not engage in such activity on a regular basis, or where parents on a mutually cooperative basis exchange care of one another's children, or persons who have the care of an exchange student in their own home;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors;

(e) Nursery schools or kindergartens which are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

~~((e))~~ (f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

~~((f))~~ (g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

~~((g))~~ (h) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

~~((h))~~ (i) Licensed physicians or lawyers;

~~((i))~~ (j) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

~~((j))~~ (k) Facilities approved and certified under chapter 71A.22 RCW;

~~((k))~~ (l) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

~~((l))~~ (m) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

~~((m))~~ (n) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

~~((n))~~ (o) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(5) "Requirement" means any rule, regulation or standard of care to be maintained by an agency.

NEW SECTION. Sec. 15. Sections 1 through 10 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 11 and 13 through 16 of this act shall take effect January 1, 1992.

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28A.300.200 and 74.15.020; adding a new section to chapter 28A.300 RCW; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an effective date." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendments to Substitute House Bill No. 1051. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1051 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1051 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 1051 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136 with the following amendments:

On page 5, line 24, after "building" strike "or structure" and insert ", structure, or motor home"

On page 6, after line 2, insert the following:

"(24) "Mobile operator" means any person possessing a valid cosmetology, barbering, manicuring, or esthetician's license that provides services in a mobile salon/shop.

(25) "Personal service operator" means any person possessing a valid cosmetology, barbering, manicuring, or esthetician's license that provides services for clients in the client's home, office, or other location that is convenient for the client."

On page 17, line 27, after "(3)" strike all materials through and including "upon" and insert "Upon"

On page 18, after line 11, insert the following:

"(5) This section does not prohibit the use of motor homes as mobile salon/shops if the motor home meets the health and safety standards of this section."

On page 20, line 26, after "salon/shop" insert "or the home, office, or other location selected by the client for obtaining the services of a personal service operator"

On page 20, line 26, after "shop" insert ", or with the appropriate individual license when delivering services to placebound clients. Placebound clients are defined as persons who are ill, disabled or otherwise unable to travel to a salon/shop"

On page 21, after line 14, strike the remainder of the bill and insert the following: NEW SECTION. Sec. 25. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void."

On page 1, line 4 of the title, after "18.16 RCW;" insert "creating a new section;"

On page 1, line 5 of the title, strike "making an appropriation;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Heavey moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1136. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1136 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1136 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Van Luven, Wilson, Wineberry, Winsley, and Mr. Speaker - 84.

Voting nay: Representatives Ballard, Brough, Holland, McLean, Miller, Mitchell, Prince, Vance, Wang, Wynne - 10.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed Substitute House Bill No. 1136 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.32.330 and 1990 c 67 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to section 2 of this act, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense: PROVIDED, That data, material, or documents that do not disclose

information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by section 2(1) of this act, nothing in this chapter shall require any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency; and

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.

(2) Returns and tax information shall be confidential and privileged, and except as (hereinafter provided it shall be unlawful for) authorized by this section, neither the department of revenue ((or) nor any ((member, deputy, clerk)) officer, employee, agent, ((employee,)) or representative thereof ((or) nor any other person ((to make known or reveal)) may disclose any ((facts or information contained in any return filed by any taxpayer or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration hereof)) return or tax information.

(3) The foregoing, however, shall not ((be construed to) prohibit the department of revenue or ((a member or) an officer, employee, agent, or representative thereof from: ((1) Giving) (a) Disclosing such ((facts) return or tax information ((in evidence in any court action involving)) in a civil or criminal judicial proceeding or an administrative proceeding;

(i) In respect of any tax imposed ((hereunder or involving a violation of the provisions hereof or involving)) under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state ((department and the taxpayer; (2) giving such facts and information to the taxpayer or his duly authorized agent; (3)) agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director shall prescribe by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person: PROVIDED, That tax information not received from the taxpayer shall not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or failed and remains outstanding for a period of at least ten working days. The department shall not be required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

~~((4) giving)~~ (f) Disclosing such ~~((facts))~~ return or tax information, for official purposes only, to the governor or attorney general, or to any state ~~((department,))~~ agency, ~~((board, commission, council,))~~ or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

~~((5))~~ (g) Permitting ~~((its))~~ the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

~~((6) giving)~~ (h) Disclosing any such ~~((facts))~~ return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state; or

~~((7) giving)~~ (i) Disclosing any such ~~((facts))~~ return or tax information to the Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, ~~((or the army or navy departments of the United States))~~ the Department of Defense, the United States customs service, the coast guard of the United States, and the United States department of transportation, or any authorized representative thereof, for official purposes;

(j) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to section 2 of this act; or

(i) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, business address, mailing address, revenue tax registration numbers, standard industrial classification code of a taxpayer, and the dates of opening and closing of business.

(4) Any person acquiring knowledge of ~~((such facts))~~ any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of ~~((such facts and))~~ any return or tax information as provided under ~~((4), (5), (6) and (7) above))~~ subsection (3) (f), (g), (h), or (i) of this section, who ~~((reveals or makes known))~~ discloses any such ~~((facts))~~ return or tax information to another person not entitled to knowledge of such ~~((facts))~~ return or tax information under the provisions of this section, shall upon conviction be punished by a fine ~~((of))~~ not exceeding one thousand dollars and, if the ~~((offender or))~~ person guilty of such violation is an officer or employee of the state, ~~((he))~~ such person shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

NEW SECTION. Sec. 2. A new section is added to chapter 82.32 RCW to read as follows:

(1) The director may designate certain written determinations as precedents.

(a) By rule adopted pursuant to chapter 34.05 RCW, the director shall adopt criteria which he or she shall use to decide whether a determination is precedential. These criteria shall include, but not be limited to, whether the determination clarifies an unsettled interpretation of Title 82 RCW or where the determination modifies or clarifies an earlier interpretation.

(b) Written determinations designated as precedents by the director shall be made available for public inspection and shall be published by the department.

(c) The department shall disclose any written determination upon which it relies to support any assessment of tax, interest, or penalty against such taxpayer, after making the deletions provided by subsection (2) of this section.

(2) Before making a written determination available for public inspection under subsection (1) of this section, the department shall delete:

(a) The names, addresses, and other identifying details of the person to whom the written determination pertains and of another person identified in the written determination; and

(b) Information the disclosure of which is specifically prohibited by any statute applicable to the department of revenue, and the department may also delete other information exempted from disclosure by chapter 42.17 RCW or any other statute applicable to the department of revenue.

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 82.32.330; adding a new section to chapter 82.32 RCW; and prescribing penalties." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1357. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1357 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1357 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed Substitute House Bill No. 1357 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389 with the following amendments:

On page 2, line 23, after "boat" strike "access" and insert "launching ramp"

On page 3, beginning on line 5, strike all of sections 5 and 6 and insert the following:

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991, except section 3 of this act shall be effective for vehicle registrations that expire August 31, 1992, and thereafter.

On page 1, line 2 of the title, after "46.16 RCW;" strike the remainder of the title and insert "creating new sections; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1389. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1389 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1389 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 90.

Voting nay: Representatives Ballard, King, R., McLean, Prince - 04.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed Substitute House Bill No. 1389 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

Please indicate that I intended to vote "nay" instead of "yea" on final passage of Engrossed Substitute House Bill No. 1389 as amended by the Senate.
SARAH CASADA, 25th District.

It was my intention to vote "nay" instead of "yea" on final passage of Engrossed Substitute House Bill No. 1389 as amended by the Senate.
RANDY TATE, 25th District.

I misread the calendar on final passage of Engrossed Substitute House Bill No. 1389 as amended by the Senate and intended to vote "No" as I did when the bill passed the House.

CHRISTOPHER VANCE, 31st District.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1629 with the following amendments:

Strike everything after the enacting clause and insert the following: Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 7 of this act.

(1) "Accepted standards" means those standards of practice, skill, and treatment that are recognized by a reasonably prudent chiropractor as being acceptable under similar conditions and circumstances.

(2) "Appropriate chiropractic treatment" means treatment and other services performed or ordered, in connection with a substantiated and properly documented condition, which would appear to a reasonably prudent chiropractor to be consistent with the diagnosis or analysis presented.

(3) "Excessive" fees or costs means charges above the usual and customary charges in that service area as paid by public and private third-party payors.

(4) "Patient" means an individual who receives chiropractic evaluation or treatment, or both.

(5) "Peer review committee" means the committee established under section 2 of this act.

(6) "Peer review proceeding" or "peer review" means an evaluation, based on accepted standards, by the peer review committee, of the appropriateness, quality, utilization, and cost of health services provided to a patient. Peer review does not include matters related to the licensing, discipline, or scope of practice of any health care profession.

(7) "Properly utilized services" means appropriate services rendered or ordered, including the frequency and duration of such services, which are documented as being

necessary and reasonable by clinical records and reports or by other facts, presentations, or evidence reviewed by the peer review committee.

(8) "Services rendered" means all services provided to a patient.

NEW SECTION. Sec. 1. (1) The board shall appoint the peer review committee, which shall be constituted as follows: The chair of the peer review committee shall be a member of the board and shall not vote except to break a tie; one chiropractor from each congressional district; one independent member representative of the health insurance industry; and one representative from the department of labor and industries. The term of appointment of peer review committee members shall be one year, and no member shall serve more than four consecutive terms. The board may appoint additional pro tem members as necessary. Chiropractor members shall have at least five years of active practice in this state. The board shall adopt rules establishing other qualifications for appointment of the chiropractic members to the peer review committee, including rules to avoid conflict of interest or the appearance of conflict of interest.

(2) The peer review committee may be compensated in accordance with RCW 43.03.240 and may be paid travel expenses while engaged in the business of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 2. (1) A patient, a patient's representative, an insurer, an agency of the state of Washington, or a chiropractor may request a peer review proceeding by submitting an inquiry about services rendered to a patient by a chiropractor. The board shall, in its discretion, determine whether the inquiry should be reviewed as a peer review proceeding, as a matter for possible voluntary mediation, or as a disciplinary proceeding. Peer review shall not be used to replace the independent medical/chiropractic examination.

(2) Request for peer review constitutes consent to submission by the requesting party of all necessary records and other information concerning the chiropractic services rendered. Chiropractors licensed under this chapter who are a party to the peer review are required to submit all necessary records and other information concerning services rendered by the chiropractor.

(3) All costs associated with conducting peer review under this chapter shall be borne by the chiropractic profession as part of the licensing fees. Notwithstanding, the board shall assess a fee to cover the costs of the review when the requesting party is a chiropractor or a third-party payor.

NEW SECTION. Sec. 3. (1) The peer review committee may review matters regarding the appropriateness, quality, utilization, or cost of chiropractic services rendered. The peer review committee on each review shall include in its findings a determination whether appropriate chiropractic treatment was rendered, whether the services rendered were properly utilized services, whether treatment or services rendered or ordered were appropriate in accordance with accepted standards, and whether the fees charged were excessive or not.

(2) The committee may appoint subcommittees to assist it in conducting peer review. All activities of the subcommittees shall be reviewed and approved or disapproved by the committee.

(3) The peer review committee shall submit to all parties and to the board a decision setting forth the committee's findings and recommendations.

(4) Any party may appeal the decision to the board. The board, on the record of the peer review committee, may return the proceeding with recommendations to the committee for reconsideration, may initiate disciplinary proceedings, or may approve the decision of the peer review committee, or may take any combination of the above actions.

NEW SECTION. Sec. 4. The peer review committee shall file with the board a complaint against a chiropractor if the committee determines that reasonable cause exists to believe the chiropractor has committed unprofessional conduct. The peer review

committee shall transmit all information pertinent to the complaint to the board. Such information shall be confidential and shall be used solely for disciplinary purposes.

NEW SECTION. Sec. 5. The board shall prepare a biennial report summarizing its peer review decisions and shall include such report as part of the board's report requirements under RCW 18.130.310. The published summary of peer review decisions shall not be used and shall not serve as the basis for establishing appropriate fee schedules or treatment regimes for the profession.

NEW SECTION. Sec. 6. No findings or decisions of the peer review committee shall have any effect on or be admissible in any court proceeding or administrative proceedings conducted under another chapter of the Revised Code of Washington.

Sec. 7. RCW 18.25.040 and 1991 c 3 s 39 are each amended to read as follows:

Persons licensed to practice chiropractic under the laws of any other state, territory of the United States, the District of Columbia, Puerto Rico, or province of Canada, having ~~((equal requirements of))~~ qualifications substantially equivalent to those required by this chapter, may, in the discretion of the board of chiropractic examiners, and after such examination ((by the board in principles of chiropractic, x ray, and adjusting, as taught by chiropractic schools and colleges)) as may be required by rule of the board, be issued a license to practice in this state without further examination, upon payment of a fee determined by the secretary as provided in RCW 43.70.250.

Sec. 8. RCW 18.25.090 and 1989 c 258 s 6 are each amended to read as follows:

On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his or her name the term chiropractor, chiropractic physician, D.C., or D.C.Ph.C., designating his or her line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or "Dr." or physician may be used only in conjunction with the word "chiropractic" or "chiropractor". Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.

NEW SECTION. Sec. 9. A new section is added to chapter 18.25 RCW to read as follows:

Nothing in this chapter shall be construed to prohibit:

(1) The temporary practice in this state of chiropractic by any chiropractor licensed by another state, territory, or country in which he or she resides. However, the chiropractor shall not establish a practice open to the general public and shall not engage in temporary practice under this section for a period longer than thirty days. The chiropractor shall register his or her intention to engage in the temporary practice of chiropractic in this state with the board of chiropractic examiners before engaging in the practice of chiropractic, and shall agree to be bound by such conditions as may be prescribed by rule by the board.

(2) The practice of chiropractic, except the administration of a chiropractic adjustment, by a person who is a regular senior student in an accredited school of chiropractic approved by the board if the practice is part of a regular course of instruction offered by the school and the student is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the board.

(3) The practice of chiropractic by a person serving a period of postgraduate chiropractic training in a program of clinical chiropractic training sponsored by a school of chiropractic accredited in this state if the practice is part of his or her duties as a clinical postgraduate trainee and the trainee is under the direct supervision and control of a chiropractor duly licensed pursuant to this chapter and approved by the board.

(4) The practice of chiropractic by a person who is eligible and has applied to take the next available examination for licensing offered by the board of chiropractic examiners, except that the unlicensed chiropractor must provide all services under the direct control and supervision of a licensed chiropractor approved by the board. The

unlicensed chiropractor may continue to practice as provided by this subsection until the results of the next available examination are published, but in no case for a period longer than six months. The board shall adopt rules necessary to effectuate the intent of this subsection.

Any provision of chiropractic services by any individual under subsection (1), (2), (3), or (4) of this section shall be subject to the jurisdiction of the chiropractic disciplinary board as provided in chapters 18.26 and 18.130 RCW.

NEW SECTION. Sec. 10. The board may adopt rules necessary and appropriate to implement sections 1 through 7 of this act.

NEW SECTION. Sec. 11. Sections 1 through 7 of this act are each added to chapter 18.26 RCW.

On page 1, line 1 of the title, after "chiropractic;" strike the remainder of the title and insert "amending RCW 18.25.040 and 18.25.090; adding a new section to chapter 18.25 RCW; adding new sections to chapter 18.26 RCW; and creating new sections." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Substitute House Bill No. 1629. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1629 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1629 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 1629 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1671 with the following amendments:

Strike everything after the enacting clause and insert the following:
 "HIGHWAY ACCESS MANAGEMENT"

NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS--ACCESS. (1) The legislature finds that:

(a) Regulation of access to the state highway system is necessary in order to protect the public health, safety, and welfare, to preserve the functional integrity of the state highway system, and to promote the safe and efficient movement of people and goods within the state;

(b) The development of an access management program, in accordance with this chapter, which coordinates land use planning decisions by local governments and investments in the state highway system, will serve to control the proliferation of connections and other access approaches to and from the state highway system. Without such a program, the health, safety, and welfare of the residents of this state are at risk, due to the fact that uncontrolled access to the state highway system is a significant contributing factor to the congestion and functional deterioration of the system; and

(c) The development of an access management program in accordance with this chapter will enhance the development of an effective transportation system and increase the traffic-carrying capacity of the state highway system and thereby reduce the incidences of traffic accidents, personal injury, and property damage or loss; mitigate environmental degradation; promote sound economic growth and the growth management goals of the state; reduce highway maintenance costs and the necessity for costly traffic operations measures; lengthen the effective life of transportation facilities in the state, thus preserving the public investment in such facilities; and shorten response time for emergency vehicles.

(2) In furtherance of these findings, all state highways are hereby declared to be controlled access facilities as defined in section 2 of this act, except those highways that are defined as limited access facilities in chapter 47.52 RCW.

(3) It is the policy of the legislature that:

(a) The access rights of an owner of property abutting the state highway system are subordinate to the public's right and interest in a safe and efficient highway system; and

(b) Every owner of property which abuts a state highway has a right to reasonable access to that highway, unless such access has been acquired pursuant to chapter 47.52 RCW, but may not have the right of a particular means of access. The right of access to the state highway may be restricted if, pursuant to local regulation, reasonable access can be provided to another public road which abuts the property.

(4) The legislature declares that it is the purpose of this chapter to provide a coordinated planning process for the permitting of access points on the state highway system to effectuate the findings and policies under this section.

(5) Nothing in this chapter shall affect the right to full compensation under section 16, Article I of the state Constitution.

NEW SECTION. Sec. 2. DEFINITIONS--ACCESS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Controlled access facility" means a transportation facility to which access is regulated by the governmental entity having jurisdiction over the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such

facility at such points only and in such manner as may be determined by the governmental entity.

(2) "Connection" means approaches, driveways, turnouts, or other means of providing for the right of access to or from controlled access facilities on the state highway system.

(3) "Permitting authority" means the department for connections in unincorporated areas or a city or town within incorporated areas which are authorized to regulate access to state highways pursuant to chapter 47.24 RCW.

NEW SECTION. Sec. 3. REGULATING CONNECTIONS. (1) Vehicular access and connections to or from the state highway system shall be regulated by the permitting authority in accordance with the provisions of this chapter in order to protect the public health, safety, and welfare.

(2) The department shall by July 1, 1992, adopt administrative procedures pursuant to chapter 34.05 RCW which establish state highway access standards and rules for its issuance and modification of access permits, closing of unpermitted connections, revocation of permits, and waiver provisions in accordance with this chapter. The department shall consult with the association of Washington cities and obtain concurrence of the city design standards committee as established by RCW 35.78.030 in the development and adoption of rules for access standards for city streets designated as state highways under chapter 47.24 RCW.

(3) Cities and towns shall, no later than July 1, 1993, adopt standards for access permitting on streets designated as state highways which meet or exceed the department's standards, provided that such standards may not be inconsistent with standards adopted by the department.

NEW SECTION. Sec. 4. ACCESS PERMITS. (1) No connection to a state highway shall be constructed or altered without obtaining an access permit in accordance with this chapter in advance of such action. A permitting authority has the authority to deny access to the state highway system at the location specified in the permit until the permittee constructs or alters the connection in accordance with the permit requirements.

(2) The cost of construction or alteration of a connection shall be borne by the permittee, except for alterations which are not required by law or administrative rule, but are made at the request of and for the convenience of the permitting authority. The permittee, however, shall bear the cost of alteration of any connection which is required by the permitting authority due to increased or altered traffic flows generated by changes in the permittee's facilities or nature of business conducted at the location specified in the permit.

(3) Except as otherwise provided in this chapter, an unpermitted connection is subject to closure by the appropriate permitting authority which shall have the right to install barriers across or remove the connection. When the permitting authority determines that a connection is unpermitted and subject to closure, it shall provide reasonable notice of its impending action to the owner of property served by the connection. The permitting authority's procedures for providing notice and preventing the operation of unpermitted connections shall be adopted by rule.

NEW SECTION. Sec. 5. PERMIT FEE. The department shall establish by rule a schedule of fees for permit applications made to the department. The fee shall be nonrefundable and shall be used only to offset the costs of administering the access permit review process and the costs associated with administering the provisions of this chapter.

NEW SECTION. Sec. 6. PERMIT REVIEW PROCESS. The review process for access permit applications made by the department shall be as follows: Any person seeking an access permit shall file an application with the department. The department by rule shall establish application form and content requirements. The fee required by section 5 of this act must accompany the applications.

NEW SECTION. Sec. 7. PERMIT CONDITIONS. The permitting authority may issue a permit subject to any conditions necessary to carry out the provisions of this chapter, including, but not limited to, requiring the use of a joint-use connection. The permitting authority may revoke a permit if the applicant fails to comply with the conditions upon which the issuance of the permit was predicated.

NEW SECTION. Sec. 8. PERMIT REMOVAL. (1) Unpermitted connections to the state highway system in existence on July 1, 1990, shall not require the issuance of a permit and may continue to provide access to the state highway system, unless the permitting authority determines that such a connection does not meet minimum acceptable standards of highway safety. However, a permitting authority may require that a permit be obtained for such a connection if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway to which it provides access. If a permit is not obtained, the connection may be closed pursuant to section 4 of this act.

(2) Access permits granted prior to adoption of the permitting authorities' standards shall remain valid until modified or revoked. Access connections to state highways identified on plats and subdivisions approved prior to July 1, 1991, shall be deemed to be permitted pursuant to chapter ____, Laws of 1991 (this act). The permitting authority may, after written notification, under rules adopted in accordance with section 3 of this act, modify or revoke an access permit granted prior to adoption of the standards by requiring relocation, alteration, or closure of the connection if a significant change occurs in the use, design, or traffic flow of the connection.

(3) The permitting authority may issue a nonconforming access permit after finding that to deny an access permit would leave the property without a reasonable means of access to the public roads of this state. Every nonconforming access permit shall specify limits on the maximum vehicular use of the connection and shall be conditioned on the availability of future alternative means of access for which access permits can be obtained.

NEW SECTION. Sec. 9. ACCESS MANAGEMENT STANDARDS. (1) The department shall develop, adopt, and maintain an access control classification system for all routes on the state highway system, the purpose of which shall be to provide for the implementation and continuing applications of the provision of this chapter.

(2) The principal component of the access control classification system shall be access management standards, the purpose of which shall be to provide specific minimum standards to be adhered to in the planning for and approval of access to state highways.

(3) The control classification system shall be developed consistent with the following:

(a) The department shall, no later than January 1, 1993, adopt rules setting forth procedures governing the implementation of the access control classification system required by this chapter. The rule shall provide for input from the entities described in (b) of this subsection as well as for public meetings to discuss the access control classification system. Nothing in this chapter shall affect the validity of the department's existing or subsequently adopted rules concerning access to the state highway system. Such rules shall remain in effect until repealed or replaced by the rules required by this chapter.

(b) The access control classification system shall be developed in cooperation with counties, cities and towns, the state department of community development, regional transportation planning organizations, and other local governmental entities, and for city streets designated as state highways pursuant to chapter 47.24 RCW, adopted with the concurrence of the city design standards committee.

(c) The rule required by this section shall provide that assignment of a road segment to a specific access category be made in consideration of the following criteria:

(i) Local land use plans and zoning, as set forth in comprehensive plans;

- (ii) The current functional classification as well as potential future functional classification of each road on the state highway system;
 - (iii) Existing and projected traffic volumes;
 - (iv) Existing and projected state, local, and metropolitan planning organization transportation plans and needs;
 - (v) Drainage requirements;
 - (vi) The character of lands adjoining the highway;
 - (vii) The type and volume of traffic requiring access;
 - (viii) Other operational aspects of access;
 - (ix) The availability of reasonable access by way of county roads and city streets to a state highway; and
 - (x) The cumulative effect of existing and projected connections on the state highway system's ability to provide for the safe and efficient movement of people and goods within the state.
- (d) Access management standards shall include, but not be limited to, connection location standards, safety factors, design and construction standards, desired levels of service, traffic control devices, and effective maintenance of the roads. The standards shall also contain minimum requirements for the spacing of connections, intersecting streets, roads, and highways.
- (e) An access control category shall be assigned to each segment of the state highway system by July 1, 1993.

"TRANSPORTATION DEMAND MANAGEMENT"

NEW SECTION. Sec. 10. FINDINGS--DEMAND MANAGEMENT. The legislature finds that automotive traffic in Washington's metropolitan areas is the major source of emissions of air contaminants. This air pollution causes significant harm to public health, causes damage to trees, plants, structures, and materials and degrades the quality of the environment.

Increasing automotive traffic is also aggravating traffic congestion in Washington's metropolitan areas. This traffic congestion imposes significant costs on Washington's businesses, governmental agencies, and individuals in terms of lost working hours and delays in the delivery of goods and services. Traffic congestion worsens automobile-related air pollution, increases the consumption of fuel, and degrades the habitability of many of Washington's cities and suburban areas. The capital and environmental costs of fully accommodating the existing and projected automobile traffic on roads and highways are prohibitive. Decreasing the demand for vehicle trips is significantly less costly and at least as effective in reducing traffic congestion and its impacts as constructing new transportation facilities such as roads and bridges, to accommodate increased traffic volumes.

The legislature also finds that increasing automotive transportation is a major factor in increasing consumption of gasoline and, thereby, increasing reliance on imported sources of petroleum. Moderating the growth in automotive travel is essential to stabilizing and reducing dependence on imported petroleum and improving the nation's energy security.

The legislature further finds that reducing the number of commute trips to work made via single occupant cars and light trucks is an effective way of reducing automobile-related air pollution, traffic congestion, and energy use. Major employers have significant opportunities to encourage and facilitate reducing single occupant vehicle commuting by employees.

The intent of this chapter is to require local governments in those counties experiencing the greatest automobile-related air pollution and traffic congestion to develop and implement plans to reduce single occupant vehicle commute trips. Such plans shall require major employers and employers at major worksites to implement programs to reduce single occupant vehicle commuting by employees at major worksites. Local

governments in counties experiencing significant but less severe automobile-related air pollution and traffic congestion may implement such plans. State agencies shall implement programs to reduce single occupant vehicle commuting at all major worksites throughout the state.

NEW SECTION. Sec. 11. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "A major employer" means a private or public employer that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous months during the year.

(2) "Major worksite" means a building or group of buildings that are on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights of way, and at which there are one hundred or more full-time employees of one or more employers, who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays, for at least twelve continuous months.

(3) "Commute trip reduction zones" mean areas, such as census tracts or combinations of census tracts, within a jurisdiction that are characterized by similar employment density, population density, level of transit service, parking availability, access to high occupancy vehicle facilities, and other factors that are determined to affect the level of single occupancy vehicle commuting.

(4) "Commute trip" means trips made from a worker's home to a worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

(5) "Proportion of single occupant vehicle commute trips" means the number of commute trips made by single occupant automobiles divided by the number of full-time employees.

(6) "Commute trip vehicle miles traveled per employee" means the sum of the individual vehicle commute trip lengths in miles over a set period divided by the number of full-time employees during that period.

(7) "Base year" means the year January 1, 1992, through December 31, 1992, on which goals for vehicle miles traveled and single occupant vehicle trips shall be based. Base year goals may be determined using the 1990 journey-to-work census data projected to the year 1992 and shall be consistent with the growth management act. The task force shall establish a method to be used by jurisdictions to determine reductions of vehicle miles traveled.

NEW SECTION. Sec. 12. REQUIREMENTS FOR COUNTIES AND CITIES.

(1) Each county with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer shall, by October 1, 1992, adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites. The plan shall be designed to achieve reductions in the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction.

(2) All other counties, and cities and towns in those counties, may adopt and implement a commute trip reduction plan.

(3) The department of ecology may, after consultation with the state energy office, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the guidelines established under section 15 of this act and shall include but is not limited to (a) goals for reductions in the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee; (b) designation of commute trip reduction zones; (c) requirements for major public and private sector employers to implement commute trip reduction programs; (d) a commute trip reduction program for employees of the county, city, or town; (e) a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and (g) means for determining base year values of the proportion of single occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the base year value of the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty-five percent reduction from the base year values by January 1, 1997, and thirty-five percent reduction from the base year values by January 1, 1999.

(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full time employees at major worksites in federally designated non-attainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs.

(6) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, or towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, or regional transportation planning organizations to coordinate the development and implementation of such plans. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070.

(7) Each county, city, or town implementing a commute trip reduction program shall, within thirty days submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under section 15 of this act.

(8) Each county, city, or town implementing a commute trip reduction program shall submit an annual progress report to the commute trip reduction task force established under section 15 of this act. The report shall be due July 1, 1994, and each July 1 thereafter through July 1, 2000. The report shall describe progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction task force established under section 15 of this act. The commute trip reduction task force may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.

(11) Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

(12) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

NEW SECTION. Sec. 13. REQUIREMENTS FOR EMPLOYERS. (1) Not more than six months after the adoption of the commute trip reduction plan by a jurisdiction, each major employer in that jurisdiction shall develop a commute trip reduction program and shall submit a description of that program to the jurisdiction for review. The program shall be implemented not more than six months after submission to the jurisdiction.

(2) A commute trip reduction program shall consist of, at a minimum (a) designation of a transportation coordinator and the display of the name, location, and telephone number of the coordinator in a prominent manner at each affected worksite; (b) regular distribution of information to employees regarding alternatives to single occupant vehicle commuting; (c) an annual review of employee commuting and reporting of progress toward meeting the single occupant vehicle reduction goals to the county, city, or town consistent with the method established in the commute trip reduction plan; and (d) implementation of a set of measures designed to achieve the applicable commute trip reduction goals adopted by the jurisdiction. Such measures may include but are not limited to:

(i) Provision of preferential parking or reduced parking charges, or both, for high occupancy vehicles;

(ii) Instituting or increasing parking charges for single occupant vehicles;

(iii) Provision of commuter ride matching services to facilitate employee ridesharing for commute trips;

(iv) Provision of subsidies for transit fares;

(v) Provision of vans for van pools;

(vi) Provision of subsidies for car pooling or van pooling;

(vii) Permitting the use of the employer's vehicles for car pooling or van pooling;

(viii) Permitting flexible work schedules to facilitate employees' use of transit, car pools, or van pools;

(ix) Cooperation with transportation providers to provide additional regular or express service to the worksite;

(x) Construction of special loading and unloading facilities for transit, car pool, and van pool users;

(xi) Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

(xii) Provision of a program of parking incentives such as a rebate for employees who do not use the parking facility;

(xiii) Establishment of a program to permit employees to work part or full time at home or at an alternative worksite closer to their homes;

(xiv) Establishment of a program of alternative work schedules such as compressed work week schedules which reduce commuting; and

(xv) Implementation of other measures designed to facilitate the use of high-occupancy vehicles such as on-site day care facilities and emergency taxi services.

(3) Employers or owners of worksites may form or utilize existing transportation management associations to assist members in developing and implementing commute trip reduction programs.

NEW SECTION. Sec. 14. JURISDICTIONS' REVIEW AND PENALTIES. (1) Each jurisdiction implementing a commute trip reduction plan under this chapter or as part of a plan or ordinance developed under RCW 36.70A.070 shall review each employer's initial commute trip reduction program to determine if the program is likely to meet the applicable commute trip reduction goals. The employer shall be notified by the jurisdiction of its findings. If the jurisdiction finds that the program is not likely to meet the applicable commute trip reduction goals, the jurisdiction will work with the employer to modify the program as necessary. The jurisdiction shall complete review of each employer's initial commute trip reduction program within three months of receipt.

(2) Each jurisdiction shall annually review each employer's progress toward meeting the applicable commute trip reduction goals. If it appears an employer is not likely to meet the applicable commute trip reduction goals, the jurisdiction shall work with the employer to make modifications to the commute trip reduction program.

(3) If an employer fails to meet the applicable commute trip reduction goals, the jurisdiction shall propose modifications to the program and direct the employer to revise its program within thirty days to incorporate those modifications or modifications which the jurisdiction determines to be equivalent.

(4) Each jurisdiction implementing a commute trip reduction plan pursuant to this chapter may impose civil penalties, in the manner provided in chapter 7.80 RCW, for failure by an employer to implement a commute trip reduction program or to modify its commute trip reduction program as required in subsection (3) of this section. No major employer shall be liable for civil penalties under this chapter if failure to achieve a commute trip reduction program goal was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith.

NEW SECTION. Sec. 15. (1) A twenty-three member state commute trip reduction task force shall be established as follows:

(a) The director of the state energy office or the director's designee who shall serve as chair;

(b) The secretary of the department of transportation or the secretary's designee;

(c) The director of the department of ecology or the director's designee;

(d) The director of the department of community development or the director's designee;

(e) The director of the department of general administration or the director's designee;

(f) Three representatives from counties appointed by the governor from a list of at least six recommended by the Washington state association of counties;

(g) Three representatives from cities and towns appointed by the governor from a list of at least six recommended by the association of Washington cities;

(h) Three representatives from transit agencies appointed by the governor from a list of at least six recommended by the Washington state transit association;

(i) Six representatives of employers at or owners of major work sites in Washington appointed by the governor from a list of at least twelve recommended by the association of Washington business; and

(j) Three citizens appointed by the governor.

Members of the commute trip reduction task force shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members appointed by the governor shall be compensated in accordance with RCW

43.03.220. The task force has all powers necessary to carry out its duties as prescribed by this chapter. The task force shall be dissolved on July 1, 2000.

(2) By March 1, 1992, the commute trip reduction task force shall establish guidelines for commute trip reduction plans. The guidelines are intended to ensure consistency in commute trip reduction plans and goals among jurisdictions while fairly taking into account differences in employment and housing density, employer size, existing and anticipated levels of transit service, special employer circumstances, and other factors the task force determines to be relevant. The guidelines shall include:

- (a) Criteria for establishing commute trip reduction zones;
- (b) Methods and information requirements for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals;
- (c) Model commute trip reduction ordinances;
- (d) Methods for assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction;
- (e) An appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain a waiver or modification of those requirements and criteria for determining eligibility for waiver or modification;
- (f) Methods to ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year;
- (g) Alternative commute trip reduction goals for major employers which cannot meet the goals of this chapter because of the unique nature of their business; and
- (h) Alternative commute trip reduction goals for major employers whose worksites change and who contribute substantially to traffic congestion in a trip reduction zone.

(3) The task force shall assess the commute trip reduction options available to employers other than major employers and make recommendations to the legislature by October 1, 1992. The recommendations shall include the minimum size of employer who shall be required to implement trip reduction programs and the appropriate methods those employers can use to accomplish trip reduction goals.

(4) The task force shall review progress toward implementing commute trip reduction plans and programs and the costs and benefits of commute trip reduction plans and programs and shall make recommendations to the legislature by December 1, 1995, and December 1, 1999. In assessing the costs and benefits, the task force shall consider the costs of not having implemented commute trip reduction plans and programs. The task force shall examine other transportation demand management programs nationally and incorporate its findings into its recommendations to the legislature. The recommendations shall address the need for continuation, modification, or termination or any or all requirements of this chapter. The recommendations made December 1, 1995, shall include recommendations regarding extension of the requirements of this chapter to employers with fifty or more full-time employees at a single worksite who begin their regular work day between 6:00 a.m. and 9:00 a.m. on weekdays for more than twelve continuous months.

NEW SECTION. Sec. 16. TECHNICAL ASSISTANCE TEAM. (1) A technical assistance team shall be established under the direction of the state energy office and include representatives of the departments of transportation and ecology. The team shall provide staff support to the commute trip reduction task force in carrying out the requirements of section 15 of this act and to the department of general administration in carrying out the requirements of section 19 of this act.

(2) The team shall provide technical assistance to counties, cities, and towns, the department of general administration, other state agencies, and other employers in developing and implementing commute trip reduction plans and programs. The technical

assistance shall include: (a) Guidance in determining base and subsequent year values of single occupant vehicle commuting proportion and commute trip reduction vehicle miles traveled to be used in determining progress in attaining plan goals; (b) developing model plans and programs appropriate to different situations; and (c) providing consistent training and informational materials for the implementation of commute trip reduction programs. Model plans and programs, training and informational materials shall be developed in cooperation with representatives of local governments, transit agencies, and employers.

(3) In carrying out this section the state energy office and department of transportation may contract with state-wide associations representing cities, towns, and counties to assist cities, towns, and counties in implementing commute trip reduction plans and programs.

NEW SECTION. Sec. 17. USE OF FUNDS. A portion of the funds made available for the purposes of this chapter shall be used to fund the commute trip reduction task force in carrying out the responsibilities of section 16 of this act, and the interagency technical assistance team, including the activities authorized under section 16(2) of this act, and to assist counties, cities, and towns implementing commute trip reduction plans. Funds shall be provided to the counties in proportion to the number of major employers and major worksites in each county. The counties shall provide funds to cities and towns within the county which are implementing commute trip reduction plans in proportion to the number of major employers and major worksites within the city or town.

NEW SECTION. Sec. 18. LEGISLATIVE INTENT--STATE LEADERSHIP. The legislature hereby recognizes the state's crucial leadership role in establishing and implementing effective commute trip reduction programs. Therefore, it is the policy of the state that the department of general administration and other state agencies shall aggressively develop substantive programs to reduce commute trips by state employees. Implementation of these programs will reduce energy consumption, congestion in urban areas, and air and water pollution associated with automobile travel.

NEW SECTION. Sec. 19. GENERAL ADMINISTRATION. (1) The director of general administration, with the concurrence of an interagency task force established for the purposes of this section, shall coordinate a commute trip reduction plan for state agencies which are phase 1 major employers by January 1, 1993. The task force shall include representatives of the state energy office, the departments of transportation and ecology and such other departments as the director of general administration determines to be necessary to be generally representative of state agencies. The state agency plan shall be consistent with the requirements of sections 12 and 13 of this act and shall be developed in consultation with state employees, local and regional governments, local transit agencies, the business community, and other interested groups. The plan shall consider and recommend policies applicable to all state agencies including but not limited to policies regarding parking and parking charges, employee incentives for commuting by other than single-occupant automobiles, flexible and alternative work schedules, alternative worksites, and the use of state-owned vehicles for car and van pools. The plan shall also consider the costs and benefits to state agencies of achieving commute trip reductions and consider mechanisms for funding state agency commute trip reduction programs. The department shall, within thirty days, submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under section 15 of this act.

(2) Not more than three months after the adoption of the commute trip reduction plan, each state agency shall, for each facility which is a major employer, develop a commute trip reduction program. The program shall be designed to meet the goals of the commute trip reduction plan of the county, city, or town or, if there is no local commute trip reduction plan, the state. The program shall be consistent with the policies of the state commute trip reduction plan and section 13 of this act. The agency shall submit a

description of that program to the local jurisdiction implementing a commute trip reduction plan or, if there is no local commute trip reduction plan, to the department of general administration. The program shall be implemented not more than three months after submission to the department. Annual reports required in section 13(2)(c) of this act shall be submitted to the local jurisdiction implementing a commute trip reduction plan and to the department of general administration. An agency which is not meeting the applicable commute trip reduction goals shall, to the extent possible, modify its program to comply with the recommendations of the local jurisdiction or the department of general administration.

(3) State agencies sharing a common location may develop and implement a joint commute trip reduction program or may delegate the development and implementation of the commute trip reduction program to the department of general administration.

(4) The department of general administration in consultation with the state technical assistance team shall review the initial commute trip reduction program of each state agency subject to the commute trip reduction plan for state agencies to determine if the program is likely to meet the applicable commute trip reduction goals and notify the agency of any deficiencies. If it is found that the program is not likely to meet the applicable commute trip reduction goals, the team will work with the agency to modify the program as necessary.

(5) For each agency subject to the state agency commute trip reduction plan, the department of general administration in consultation with the technical assistance team shall annually review progress toward meeting the applicable commute trip reduction goals. If it appears an agency is not meeting or is not likely to meet the applicable commute trip reduction goals, the team shall work with the agency to make modifications to the commute trip reduction program.

(6) The department of general administration shall submit an annual progress report for state agencies subject to the state agency commute trip reduction plan to the commute trip reduction task force established under section 15 of this act. The report shall be due April 1, 1993, and each April 1 through 2000. The report shall report progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

NEW SECTION. Sec. 20. CODIFICATION. Sections 1 through 9 of this act shall constitute a new chapter in Title 47 RCW.

NEW SECTION. Sec. 21. CODIFICATION. Sections 10 through 19 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 22. HEADINGS. Section captions and part headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 23. TDM--NULL AND VOID. If funding for the purposes of sections 10 through 19 of this act is not provided by June 30, 1991, sections 10 through 19 and 21 of this act shall be null and void.

NEW SECTION. Sec. 24. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 25. SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "strategies;" strike the remainder of the title and insert "adding a new chapter to Title 47 RCW; adding a new chapter to Title 81 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Second Substitute House Bill No. 1671. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Second Substitute House Bill No. 1671 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1671 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Second Substitute House Bill No. 1671 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677 with the following amendments:

On page 5, line 18, after "or" strike "nation" and insert "Canadian province"

On page 5, line 20, after "or" strike "nation" and insert "Canadian province"

On page 6, line 5, after "or" strike "nation" and insert "Canadian province"

On page 6, line 7, after "or" strike "nation" and insert "Canadian province"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1677. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1677 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1677 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed Substitute House Bill No. 1677 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the rehabilitation process may be enhanced by participation in training, education, and employment-related incentive programs and may be a consideration in reducing time in confinement.

NEW SECTION. Sec. 2. A new section is added to chapter 72.60 RCW to read as follows:

(1) The department of corrections shall develop, in accordance with RCW 72.09.010, a site-specific implementation plan for prison industries space at Clallam Bay corrections center, McNeil Island corrections center, and the one thousand twenty-four bed medium security prison as appropriated for and authorized by the legislature.

(2) Each implementation plan shall include, but not be limited to, sufficient space and design elements that try to achieve a target of twenty-five percent of the total inmates in class I employment programs and twenty-five percent of the total inmates in class II employment programs or as much of the target as possible without jeopardizing the efficient and necessary day-to-day operation of the prison. The implementation plan shall also include educational opportunities and employment, wage, and other incentives. The department shall include in the implementation plans an incentive program based on wages, and the opportunity to contribute all or a portion of their wages towards an array of incentives. The funds recovered from the sale, lease, or rental of incentives should be considered as a possible source of revenue to cover the capitalized cost of the additional space necessary to accommodate the increased class I and class II industries programs.

(3) The incentive program shall be developed so that inmates can earn higher wages based on performance and production. Only those inmates employed in class I and class II jobs may participate in the incentive program. The department shall develop special program criteria for inmates with physical or mental handicaps so that they can participate in the incentive program.

(4) The department shall propose rules specifying that inmate wages, other than the amount an inmate owes for taxes, legal financial obligations, and to the victim restitution fund, shall be returned to the department to pay for the cost of prison operations, including room and board.

(5) The plan shall identify actual or potential legal or operational obstacles, or both, in implementing the components of the plan as specified in this section, and recommend strategies to remove the obstacles.

(6) The department shall submit the plan to the appropriate committees of the legislature and to the governor by October 1, 1991.

NEW SECTION. Sec. 3. The overall prison design plans for new construction at Clallam Bay corrections center, McNeil Island corrections center, and the one thousand twenty-four bed medium security prison as appropriated for and authorized by the legislature shall not be inconsistent with the implementation plan outlined in this act. No provision under this act shall require the department of corrections to redesign, postpone, or delay the construction of any of the facilities outlined in section 2 of this act.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "industries;" strike the remainder of the title and insert "adding a new section to chapter 72.60 RCW; creating new sections; and declaring an emergency."
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Hargrove moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1686. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1686 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1686 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed Substitute House Bill No. 1686 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker assumed the Chair.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced that Representative Bray would replace Representative Grant as conferee on Engrossed Substitute House Bill No. 1426.

The Speaker announced that Representative Kremen would replace Representative Grant as conferee on Substitute House Bill No. 1956.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5004,
 SUBSTITUTE SENATE BILL NO. 5008,
 SENATE BILL NO. 5041,
 SENATE BILL NO. 5047,
 SENATE BILL NO. 5077,
 SENATE BILL NO. 5107,
 SECOND SUBSTITUTE SENATE BILL NO. 5124,
 SUBSTITUTE SENATE BILL NO. 5128,
 SENATE BILL NO. 5141,

SENATE BILL NO. 5190,
 SUBSTITUTE SENATE BILL NO. 5288,
 SUBSTITUTE SENATE BILL NO. 5322,
 SECOND SUBSTITUTE SENATE BILL NO. 5341,
 SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5374,
 SENATE BILL NO. 5441,
 SUBSTITUTE SENATE BILL NO. 5504,
 SUBSTITUTE SENATE BILL NO. 5520,
 SENATE BILL NO. 5558,
 SUBSTITUTE SENATE BILL NO. 5583,
 SENATE BILL NO. 5585,
 SUBSTITUTE SENATE BILL NO. 5626,
 SENATE BILL NO. 5651,
 SUBSTITUTE SENATE BILL NO. 5762,
 SENATE BILL NO. 5767,
 SENATE BILL NO. 5778,
 SENATE BILL NO. 5779,
 SUBSTITUTE SENATE BILL NO. 5835,
 SUBSTITUTE SENATE BILL NO. 5928,
 SENATE JOINT MEMORIAL NO. 8000.

SUBSTITUTE HOUSE BILL NO. 1194, by House Committee on Local Government (originally sponsored by Representatives Zellinsky, Wynne, Cooper, Rayburn, Roland, Wood, Edmondson, Mitchell, Nealey, Bray, Franklin and Haugen)

Revising and adding provisions on special districts.

The House resumed consideration of Substitute House Bill No. 1194. (For previous action, see Journal, 99th Day, April 22, 1991, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Haugen regarding the scope and object of the Senate amendments to Substitute House Bill No. 1194.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute House Bill No. 1194, which relates to special districts in Title 85 RCW. These districts, which include diking, drainage and sewer improvement districts, all have voting rights restricted to property owners. That is the class of special districts referred to in Title 85 RCW. The bill deals with the various duties of these special districts--elections, nominations, primarily the voting processes, but a whole host of duties.

The amendments on page 11, line 21, and page 11, line 23, deal with the filling of vacancies in special districts. The amendment on page 19, line 6, by Senator Smith deals with the compensation of these special district board members. The Speaker finds that these amendments are within the scope and

object of the original House Bill. They deal with the same class of districts and a long list of duties and powers of these districts.

The amendment on page 19, line 2, adds new language to Title 29 RCW relating to elections for public utility districts. The amendment on page 19, line 6, by Committee on Government Operations adds new language to Titles 56 and 57 RCW relating to sewer and water district elections. The Speaker finds that these two amendments do not deal with the same kind of special districts which are the subject of the underlying bill. Therefore, Representative Haugen, your point is well taken. These two amendments are beyond the scope and object of the bill.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1194 and ask the Senate to recede therefrom. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1313, by House Committee on Revenue (originally sponsored by Representatives Fraser, Brumsickle, Phillips, Jones and Scott)

Modifying qualifications for senior citizen property tax relief.

The House resumed consideration of Substitute House Bill No. 1313. (For previous action, see Journal, 97th Day, April 20, 1991.)

The Speaker stated the question before the House to be the Point of Order by Representative Wang regarding the scope and object of the Senate amendments to Substitute House Bill No. 1313.

SPEAKER'S RULING

The Speaker: The Speaker has examined both the underlying bill, the original House Bill, and the amendment. The Speaker finds that Substitute House Bill No. 1313 is an act relating to senior citizen property tax relief. It modifies the age qualification for senior citizen property tax relief by changing the date by which an applicant must reach age sixty-one from January 1 of the application year to December 31.

The Senate amendment raises both the income levels for senior citizen property tax relief and the maximum home value on which relief is allowed. The Speaker finds the amendment is not clarifying or perfecting, but broadens the scope of the original bill. I find, Representative Wang, that your point is well taken, that the amendment is outside the scope and object of original bill.

MOTION

Mr. Wang moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1313 and ask the Senate to recede therefrom. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1317, by Representatives Silver, Morris, Holland, Fraser, Mielke, Spanel, Edmondson, Lisk, Morton, Paris, Hochstatter, Nealey, Wynne, Cooper, Bowman, D. Sommers, Miller, Ballard and Mitchell

Clarifying the tax exemption for medically prescribed oxygen.

The House resumed consideration of Substitute House Bill No. 1317. (For previous action, see Journal, 99th Day, April 22, 1991, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Wang regarding the scope and object of the Senate amendments to Substitute House Bill No. 1317.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute House Bill No. 1317, which expands the current sales tax exemption for medically prescribed oxygen. The Senate amendments exempt from the sales tax items purchased by free hospitals which are reasonable necessary for the operation of the hospital. The Speaker finds that the amendments expand the scope and object of Substitute House Bill No. 1317. Your point is well taken.

MOTION

Mr. Wang moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1317 and ask the Senate to recede therefrom. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1454, by House Committee on Environmental Affairs (originally sponsored by Representatives Rust, Horn, Betzoff and Nealey; by request of Department of Ecology)

Pertaining to the applicability of the uniform fire code to underground storage tank laws.

The House resumed consideration of Substitute House Bill No. 1454. (For previous action, see Journal, 97th Day, April 20, 1991.)

The Speaker stated the question before the House to be the Point of Order by Representative Rust regarding the scope and object of the Senate amendments to Substitute House Bill No. 1454.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute House Bill No. 1454, which deals with exemptions to state preemption of local laws regulating underground storage tanks. It adds an additional exception from state preemption for ordinances adopting provisions of the Uniform Fire Code.

The Senate amendments deal with underground storage tanks located in environmentally sensitive areas and provide that local ordinances will not apply to tanks installed prior to the effective date of the local ordinance if they meet all the standards set in state and federal law. The amendment also limits the reasons for designating environmentally sensitive areas. The Speaker finds, Representative Rust, that your point is well taken. The amendment is outside the scope and object of the original bill.

MOTION

Ms. Rust moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1454 and ask the Senate to recede therefrom.

MOTION

Ms. Edmondson moved that the House do concur in the Senate amendments to Substitute House Bill No. 1454.

SPEAKER'S RULING

The Speaker: Representative Edmondson, my attorney has pointed out that, since I had made the ruling stating that the Senate amendments were outside the scope and object of Substitute House Bill No. 1454, the only acceptable motion was the motion to refuse to concur. The motion to concur is not acceptable since we have ruled that the amendments are not acceptable. I would have to rule your motion out of order.

POINT OF PARLIAMENTARY INQUIRY

Ms. Edmondson: Thank you, Mr. Speaker. May I speak against the motion to refuse to concur?

SPEAKER'S RULING

The Speaker: Absolutely yes, Representative Edmondson. Let me point out that, should your eloquence on this prevail and the motion to refuse to concur is voted down, House Rule 12(C) provides that at that point the bill goes to the House committee of origin.

The motion by Representative Rust to refuse to concur in the Senate amendments to Substitute House Bill No. 1454 and ask the Senate to recede therefrom was carried.

SUBSTITUTE HOUSE BILL NO. 1243, by House Committee on Education (originally sponsored by Representatives Fuhrman, G. Fisher, Wood, Brekke, Neher, Cole, Silver, Jones, Holland, Peery, Fraser, Brumsickle, Bowman, Moyer, May, Dorn, Pruitt, Belcher, Valle, Heavey, McLean, Chandler, Ferguson, Hochstatter, Padden, Brough, Paris, Winsley, Morton, Mielke, Rayburn, Vance, Forner, P. Johnson, Wynne, Berozoff, Hargrove, Van Luven, D. Sommers, Edmondson, Miller, Bray, Basich, Mitchell and Tate)

Requiring teaching experience for teacher educators.

The House resumed consideration of Substitute House Bill No. 1243. (For previous action, see Journal, 99th Day, April 22, 1991, Morning Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Peery regarding the scope and object of the Senate amendments to Substitute House Bill No. 1243.

SPEAKER'S RULING

The Speaker: I assume, Representative Peery, that your point of order was to the substantive amendment on page 3, line 2. There were a couple of minor technical amendments, but I am ruling on the amendment on page 3, line 2.

The Speaker has examined Substitute House Bill No. 1243, which requires state colleges and universities to increase collaboration and interaction between the faculty of education preparation programs and the K-12 schools.

The Senate amendment on page 3, line 2, repeals the teacher's master degree requirement for teachers. The Speaker finds that this amendment does expand the scope and object of the bill. Your point is well taken.

MOTION

Mr. Peery moved that the House refuse to concur in the Senate amendment on page 3, line 2, to Substitute House Bill No. 1243 and ask the Senate to recede therefrom.

Ms. Brough spoke in favor of the motion, and it was carried.

MOTION

Mr. Peery moved that the House do concur in the Senate amendments on page 2, lines 7 and 24 to Substitute House Bill No. 1243. The motion was carried.

HOUSE BILL NO. 1757, by Representatives Ferguson, Van Luven, Heavey, D. Sommers, Dorn, Miller, R. Meyers, Paris, Hargrove, Silver, Prentice, Moyer, Berozoff, Winsley, Horn, Chandler, Tate, Vance, Nealey, Edmondson, Fuhrman, Broback, Wynne, Ballard, Hochstatter, Jacobsen, Wineberry, Roland, Bowman, Brough and Forner

Changing "driving while intoxicated" to "driving while under the influence of intoxicating liquor or any drug."

The House resumed consideration of House Bill No. 1757. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative Appelwick regarding the scope and object of the Senate amendments to House Bill No. 1757.

SPEAKER'S RULING

The Speaker: House Bill No. 1757 amends current law by replacing the phrase "driving while intoxicated" with the phrase "driving under the influence of intoxicating liquor or any drug" so that all statutes on this subject are consistent.

The Senate amendment changes the current "per se" blood alcohol concentration standard for DWI from 0.10 to 0.80 for persons over the age of twenty-one and from 0.10 to 0.04 for persons under twenty-one. The Speaker finds that the Senate amendment is clearly outside the scope and object of the original House Bill and that your point, Representative Appelwick, is well taken.

MOTION

Mr. Appelwick moved that the House refuse to concur in the Senate amendments to House Bill No. 1757 and ask the Senate to recede therefrom. The motion was carried.

SENATE AMENDMENT TO HOUSE BILL

April 8, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1572 with the following amendment:

On page 3, line 11, after "act." insert:

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void. and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. R. King moved that the House do concur in the Senate amendment to Engrossed House Bill No. 1572. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 1572 as amended by the Senate.

POINT OF INQUIRY

Ms. Spanel yielded to question by Mr. R. King.

Mr. R. King: The retailer's ability to label accurately is only as good as the information provided by the fish wholesaler. Is it your intention that the Department of Agriculture, as they adopt regulations to implement the act, require that wholesalers identify the salmon products accurately as to species and origin?

Ms. Spanel: Yes. The rules to implement the act should recognize the retailer's reliance on that information.

Mr. R. King: If the retailer is provided with false information and then unknowingly presents this inaccurate information to the consumer, will the retailer be liable for misbranding?

Ms. Spanel: No. The courts will read into the law that the knowledge of the facts is required. A retailer would have to knowingly misrepresent the product in order to be guilty of misbranding.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1572 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Delliwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed House Bill No. 1572 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1710 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.119.010 and 1983 c 292 s 1 are each amended to read as follows:

The legislature declares that competent operation of a public water ((supply)) system is necessary for the protection of the consumers' health, and therefore it is of vital interest to the public. In order to protect the public health and conserve and protect the water resources of the state, it is necessary to provide for the classifying of all public water ((supply)) systems; to require the examination and certification of the persons responsible for the technical operation of such systems; and to provide for the promulgation of rules and regulations to carry out this chapter.

Sec. 2. RCW 70.119.020 and 1991 c 3 s 369 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

(1) "Board" means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.

(2) "Certificate" means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

(3) "Certified operator" means an individual holding a valid certificate and employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington and who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

(4) "Department" means the department of health.

((4)) (5) "Distribution system" means that portion of a public water ((supply)) system which stores, transmits, pumps and distributes water to consumers.

((5)) (6) "Ground water under the direct influence of surface water" means any water beneath the surface of the ground with:

(a) Significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as giardia lamblia; or

(b) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

(7) "Group A water system" means a system with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections. Group A water system does not include a system serving fewer than fifteen single-family residences, regardless of the number of people.

(8) "Nationally recognized association of certification authorities" shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

((6) ~~"Certified operator" means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person,~~

or the state of Washington who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((7))~~ (9) "Public water (~~((supply))~~) system" means any ~~((water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence))~~ system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system.

~~((8))~~ (10) "Purification plant" means that portion of a public water (~~((supply))~~) system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((9))~~ (11) "Secretary" means the secretary of the department of health.

(12) "Service" means a connection to a public water system designed to serve a single-family residence, dwelling unit, or equivalent use. If the facility has group home or barracks-type accommodations, three persons will be considered equivalent to one service.

(13) "Surface water" means all water open to the atmosphere and subject to surface runoff.

Sec. 3. RCW 70.119.030 and 1983 c 292 s 3 are each amended to read as follows:

(1) ((All public water supply systems which serve either)) A public water system shall have a certified operator if:

(a) The system serves one hundred or more services in use at any one time; or

(b) ((Twenty five or more persons which are supplied from a stream, lake or other surface water supply source and which are required by law to use a water filtration system;

are required to have a certified operator)) It is a group A water system using a surface water source or a ground water source under the direct influence of surface water.

(2) The certified operators shall be in charge of the technical direction of a water system's operation, or an operating shift of such a system, or a major segment of a system necessary for monitoring or improving the quality of water. The operator shall be certified as provided in RCW 70.119.050.

((2)) (3) The amount of time that a certified operator shall be required to be present shall be based upon the time required to properly operate and maintain the public water ((supply)) system as designed and constructed in accordance with RCW 43.20.050. The employing or appointing officials shall designate the position or positions requiring mandatory certification within their individual systems and shall assure that such certified operators are responsible for the system's technical operation.

((3)) (4) Operators not required to be certified by this chapter are encouraged to become certified on a voluntary basis.

Sec. 4. RCW 70.119.060 and 1977 ex.s. c 99 s 6 are each amended to read as follows:

The secretary shall further categorize all public water ((supply)) systems with regard to the size, type, source of water, and other relevant physical conditions affecting purification plants and distribution systems to assist in identifying the skills, knowledge and experience required for the certification of operators for each category of such systems, to assure the protection of the public health and conservation and protection of the state's water resources as required under RCW 70.119.010, and to implement the provisions of the state safe drinking water act in chapter 70.119A RCW. In categorizing

all public water systems for the purpose of implementing these provisions of state law, the secretary shall take into consideration economic impacts as well as the degree and nature of any public health risk.

Sec. 5. RCW 70.119.090 and 1983 c 292 s 7 are each amended to read as follows:

Certificates shall be issued without examination under the following conditions:

(1) Certificates shall be issued without application fee to operators who, on ~~((the effective date of this act))~~ January 1, 1978, hold certificates of competency attained under the voluntary certification program sponsored jointly by the state department of social and health services, health services division, and the Pacific Northwest section of the American water works association.

(2) Certification shall be issued to persons certified by a governing body or owner of a public water ~~((supply))~~ system to have been the operators of a purification plant or distribution system on ~~((the effective date of this chapter))~~ January 1, 1978, but only to those who are required to be certified under RCW 70.119.030(1). A certificate so issued shall be valid for operating any plant or system of the same classification and same type of water source.

(3) A nonrenewable certificate, temporary in nature, may be issued to an operator for a period not to exceed twelve months to fill a vacated position required to have a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position.

Sec. 6. RCW 70.119.100 and 1987 c 75 s 11 are each amended to read as follows:

The issuance and renewal of a certificate shall be subject to the following conditions:

(1) Except as provided in RCW 70.119.090, a certificate shall be issued if the operator has satisfactorily passed a written examination, has paid the department an application fee as established by the department under RCW ~~((43.20B.110))~~ 43.70.110, and has met the requirements specified in the rules and regulations as authorized by this chapter.

~~((The terms for all certificates shall be for one year from the date of issuance.))~~
Every certificate shall be renewed annually upon the payment of a fee as established by the department under RCW ~~((43.20B.110))~~ 43.70.110 and satisfactory evidence is presented to the secretary that the operator has fulfilled the continuing education requirements as prescribed by rule of the department.

(3) The secretary shall notify operators who fail to renew their certificates before the end of the ~~((certificate))~~ year that their certificates are temporarily valid for two months following the end of the certificate year. Certificates not renewed during the two month period shall be invalid and the secretary shall so notify the holders of such certificates.

(4) An operator who has failed to renew a certificate pursuant to the provisions of this section, may reapply for certification and the secretary may require the operator to meet the requirements established for new applicants.

Sec. 7. RCW 70.119.110 and 1983 c 292 s 9 are each amended to read as follows:

The secretary may, with the recommendation of the board and after hearing before the same, revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for ~~((six months))~~ one year from the effective date of the final order of revocation.

Sec. 8. RCW 70.119.130 and 1983 c 292 s 10 are each amended to read as follows:

~~((On or after one year following the effective date of this act.))~~ Any person, including any operator or any firm, association, corporation, municipal corporation, or other governmental subdivision or agency who, after thirty days' written notice, operates

a public water ((supply)) system which is not in compliance with RCW 70.119.030(1), shall be guilty of a misdemeanor. Each month of such operation out of compliance with RCW 70.119.030(1) shall constitute a separate offense. Upon conviction, violators shall be fined an amount not exceeding one hundred dollars for each offense. It shall be the duty of the prosecuting attorney or the attorney general, as appropriate to secure injunctions of continuing violations of any provisions of this chapter or the rules and regulations adopted hereunder: PROVIDED, That, except in the case of fraud, deceit, or gross negligence under RCW 70.119.110, no revocation, citation or charge shall be made under RCW 70.119.110 and 70.119.130 until a proper written notice of violation is received and a reasonable opportunity for correction has been given.

On page 1, line 2 of the title, after "registration;" strike the remainder of the title and insert "and amending RCW 70.119.010, 70.119.020, 70.119.030, 70.119.060, 70.119.090, 70.119.100, 70.119.110, and 70.119.130."
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Substitute House Bill No. 1710. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1710 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1710 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 1710 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker called on Representative Wang to preside.

SENATE AMENDMENT TO HOUSE BILL

April 17, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1743 with the following amendment:

On page 3, line 27, after "to extend" insert "credit" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendment to Substitute House Bill No. 1743. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. Wang presiding) stated the question before the House to be final passage of Substitute House Bill No. 1743 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1743 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 1743 as amended by the Senate, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 91-4687, by Representative Hochstatter.

WHEREAS, Under the provisions of the Federal Statehood Enabling Act, a bill approved by the Washington State Legislature of 1890 designated the city of Ellensburg as the site of a proposed normal school; and

WHEREAS, In the following year, a biennial appropriation for the intended school funded only its operations, and the use of classrooms loaned by the Ellensburg School District made possible the formal opening on September 6, 1891, of the Washington State Normal School; and

WHEREAS, In 1893, a capital appropriation of sixty thousand dollars permitted construction of the institution's first building erected on land deeded to the school's Trustees by the City of Ellensburg; and Barge Hall, named in recognition of the institution's first principal, was constructed, and today continues to serve an integral function in the conduct of university affairs; and

WHEREAS, In 1933, an enactment of the legislature conveyed to the institution the right to confer degrees, following which a continuing expansion and elaboration in academic and degree programs, including graduate, interdisciplinary, and international studies, transformed the institution's education role from one limited to the training of teachers to its status today as a multi-purpose, comprehensive, regional university; and

WHEREAS, Commensurate with its increasing academic diversity, the school's name was changed by legislative action from Washington State Normal School to Central Washington College of Education in 1937, to Central Washington State College in 1961, and to Central Washington University in 1977; and

WHEREAS, Distinguished faculty and administrators have successfully acted in concert to fulfill the call for traditional educational values; to transmit new academic knowledge, technologies, and methods; and to prepare for the imminent educational challenges inherent in a new century; and

WHEREAS, Ceremonies scheduled by Central Washington University for May 11, 1991, will formally open a year-long centennial observance, which will include the one hundredth commencement ceremony scheduled for June 8, 1991;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and proclaim the one hundredth anniversary of the founding of Central Washington University and the celebratory events of the year as the university enters its second century of service to the State of Washington reaffirming its dedication to educational excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. Donald L. Garrity, President, Dr. R. Y. Woodhouse, Chair of the Board of Trustees, and Mrs. Gail K. Jones, Chair of the Centennial Committee, all of Central Washington University.

Mr. Hochstatter moved adoption of the resolution. Representatives Hochstatter, Edmondson, Insee, Rayburn, Ballard, Lisk and McLean spoke in favor of the resolution.

On motion of Ms. Edmondson, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Resolution No. 91-4687 was adopted.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510. The President has appointed the following members as Conferees: Senators Roach, Stratton and Craswell.

W. D. Naismith, Deputy Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1828 with the following amendments:

Strike everything after the enacting clause and insert the following:

"ARTICLE I

FINDINGS AND DEFINITIONS"

NEW SECTION. Sec. 101. LEGISLATIVE FINDINGS. The legislature finds that:

(1) Health care information is personal and sensitive information that if improperly used or released may do significant harm to a patient's interests in privacy, health care, or other interests.

(2) Patients need access to their own health care information as a matter of fairness to enable them to make informed decisions about their health care and correct inaccurate or incomplete information about themselves.

(3) In order to retain the full trust and confidence of patients, health care providers have an interest in assuring that health care information is not improperly disclosed and in having clear and certain rules for the disclosure of health care information.

(4) Persons other than health care providers obtain, use, and disclose health record information in many different contexts and for many different purposes. It is the public policy of this state that a patient's interest in the proper use and disclosure of the patient's health care information survives even when the information is held by persons other than health care providers.

(5) The movement of patients and their health care information across state lines, access to and exchange of health care information from automated data banks, and the emergence of multistate health care providers creates a compelling need for uniform law, rules, and procedures governing the use and disclosure of health care information.

NEW SECTION. Sec. 102. DEFINITIONS. As used in this chapter, unless the context otherwise requires:

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

- (a) Statutory, regulatory, fiscal, medical, or scientific standards;
- (b) A private or public program of payments to a health care provider; or
- (c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(4) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(5) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care. The term includes any record of disclosures of health care information.

(7) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(9) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(10) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(12) "Reasonable fee" means the charges for duplicating or searching the record specified in RCW 36.18.020 (8) or (16), respectively. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

"ARTICLE II

DISCLOSURE OF HEALTH CARE INFORMATION"

NEW SECTION. Sec. 201. DISCLOSURE BY HEALTH CARE PROVIDER.

Except as authorized in section 204 of this act, a health care provider, an individual who assists a health care provider in the delivery of health care, or an agent and employee of a health care provider may not disclose health care information about a patient to any other person without the patient's written authorization. A disclosure made under a patient's written authorization must conform to the authorization.

Health care providers or facilities shall chart all disclosures, except to third-party health care payors, of health care information, such chartings to become part of the health care information.

NEW SECTION. Sec. 202. PATIENT AUTHORIZATION TO HEALTH CARE PROVIDER FOR DISCLOSURE. (1) A patient may authorize a health care provider to disclose the patient's health care information. A health care provider shall honor an authorization and, if requested, provide a copy of the recorded health care information unless the health care provider denies the patient access to health care information under section 302 of this act.

(2) A health care provider may charge a reasonable fee, not to exceed the health care provider's actual cost for providing the health care information, and is not required to honor an authorization until the fee is paid.

(3) To be valid, a disclosure authorization to a health care provider shall:

(a) Be in writing, dated, and signed by the patient;

(b) Identify the nature of the information to be disclosed;

(c) Identify the name, address, and institutional affiliation of the person to whom the information is to be disclosed;

(d) Identify the provider who is to make the disclosure; and

(e) Identify the patient.

(4) Except as provided by this chapter, the signing of an authorization by a patient is not a waiver of any rights a patient has under other statutes, the rules of evidence, or common law.

(5) A health care provider shall retain each authorization or revocation in conjunction with any health care information from which disclosures are made. This requirement shall not apply to disclosures to third-party health care payors.

(6) Except for authorizations to provide information to third-party health care payors, an authorization may not permit the release of health care information relating to future health care that the patient receives more than ninety days after the authorization was signed. Patients shall be advised of the period of validity of their authorization on the disclosure authorization form.

(7) Except for authorizations to provide information to third-party health payors, an authorization in effect on the effective date of this section remains valid for six months after the effective date of this section unless an earlier date is specified or it is revoked under section 203 of this act. Health care information disclosed under such an authorization is otherwise subject to this chapter. An authorization written after the effective date of this section becomes invalid after the expiration date contained in the authorization, which may not exceed ninety days. If the authorization does not contain an expiration date, it expires ninety days after it is signed.

NEW SECTION. Sec. 203. **PATIENT'S REVOCATION OF AUTHORIZATION FOR DISCLOSURE.** A patient may revoke in writing a disclosure authorization to a health care provider at any time unless disclosure is required to effectuate payments for health care that has been provided or other substantial action has been taken in reliance on the authorization. A patient may not maintain an action against the health care provider for disclosures made in good-faith reliance on an authorization if the health care provider had no actual notice of the revocation of the authorization.

NEW SECTION. Sec. 204. **DISCLOSURE WITHOUT PATIENT'S AUTHORIZATION.** (1) A health care provider may disclose health care information about a patient without the patient's authorization to the extent a recipient needs to know the information, if the disclosure is:

(a) To a person who the provider reasonably believes is providing health care to the patient;

(b) To any other person who requires health care information for health care education, or to provide planning, quality assurance, peer review, or administrative, legal, financial, or actuarial services to the health care provider; or for assisting the health care provider in the delivery of health care and the health care provider reasonably believes that the person:

(i) Will not use or disclose the health care information for any other purpose; and

(ii) Will take appropriate steps to protect the health care information;

(c) To any other health care provider reasonably believed to have previously provided health care to the patient, to the extent necessary to provide health care to the patient, unless the patient has instructed the health care provider in writing not to make the disclosure;

(d) To any person if the health care provider reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the patient or any other individual, however there is no obligation under this chapter on the part of the provider to so disclose;

(e) Oral, and made to immediate family members of the patient, or any other individual with whom the patient is known to have a close personal relationship, if made

in accordance with good medical or other professional practice, unless the patient has instructed the health care provider in writing not to make the disclosure;

(f) To a health care provider who is the successor in interest to the health care provider maintaining the health care information;

(g) For use in a research project that an institutional review board has determined:

(i) Is of sufficient importance to outweigh the intrusion into the privacy of the patient that would result from the disclosure;

(ii) Is impracticable without the use or disclosure of the health care information in individually identifiable form;

(iii) Contains reasonable safeguards to protect the information from redisclosure;

(iv) Contains reasonable safeguards to protect against identifying, directly or indirectly, any patient in any report of the research project; and

(v) Contains procedures to remove or destroy at the earliest opportunity, consistent with the purposes of the project, information that would enable the patient to be identified, unless an institutional review board authorizes retention of identifying information for purposes of another research project;

(h) To a person who obtains information for purposes of an audit, if that person agrees in writing to:

(i) Remove or destroy, at the earliest opportunity consistent with the purpose of the audit, information that would enable the patient to be identified; and

(ii) Not to disclose the information further, except to accomplish the audit or report unlawful or improper conduct involving fraud in payment for health care by a health care provider or patient, or other unlawful conduct by the health care provider;

(i) To an official of a penal or other custodial institution in which the patient is detained;

(j) To provide directory information, unless the patient has instructed the health care provider not to make the disclosure.

(2) A health care provider shall disclose health care information about a patient without the patient's authorization if the disclosure is:

(a) To federal, state, or local public health authorities, to the extent the health care provider is required by law to report health care information; when needed to determine compliance with state or federal licensure, certification or registration rules or laws; or when needed to protect the public health;

(b) To federal, state, or local law enforcement authorities to the extent the health care provider is required by law;

(c) Pursuant to compulsory process in accordance with section 205 of this act.

(3) All state or local agencies obtaining patient health care information pursuant to this section shall adopt rules establishing their record acquisition, retention, and security policies that are consistent with this chapter.

NEW SECTION. Sec. 205. COMPULSORY PROCESS. (1) Before service of a discovery request or compulsory process on a health care provider for health care information, an attorney shall provide advance notice to the health care provider and the patient or the patient's attorney involved through service of process or first class mail, indicating the health care provider from whom the information is sought, what health care information is sought, and the date by which a protective order must be obtained to prevent the health care provider from complying. Such date shall give the patient and the health care provider adequate time to seek a protective order, but in no event be less than fourteen days since the date of service or delivery to the patient and the health care provider of the foregoing. Thereafter the request for discovery or compulsory process shall be served on the health care provider.

(2) Without the written consent of the patient, the health care provider may not disclose the health care information sought under subsection (1) of this section if the requestor has not complied with the requirements of subsection (1) of this section. In the

absence of a protective order issued by a court of competent jurisdiction forbidding compliance, the health care provider shall disclose the information in accordance with this chapter. In the case of compliance, the request for discovery or compulsory process shall be made a part of the patient record.

(3) Production of health care information under this section, in and of itself, does not constitute a waiver of any privilege, objection, or defense existing under other law or rule of evidence or procedure.

NEW SECTION. Sec. 206. **CERTIFICATION OF RECORD.** Upon the request of the person requesting the record, the health care provider or facility shall certify the record furnished and may charge for such certification in accordance with RCW 36.18.020(9). No record need be certified until the fee is paid. The certification shall be affixed to the record and disclose:

- (1) The identity of the patient;
- (2) The kind of health care information involved;
- (3) The identity of the person to whom the information is being furnished;
- (4) The identity of the health care provider or facility furnishing the information;
- (5) The number of pages of the health care information;
- (6) The date on which the health care information is furnished; and
- (7) That the certification is to fulfill and meet the requirements of this section.

"ARTICLE III

EXAMINATION AND COPYING OF RECORD"

NEW SECTION. Sec. 301. **REQUIREMENTS AND PROCEDURES FOR PATIENT'S EXAMINATION AND COPYING.** (1) Upon receipt of a written request from a patient to examine or copy all or part of the patient's recorded health care information, a health care provider, as promptly as required under the circumstances, but no later than fifteen working days after receiving the request shall:

(a) Make the information available for examination during regular business hours and provide a copy, if requested, to the patient;

(b) Inform the patient if the information does not exist or cannot be found;

(c) If the health care provider does not maintain a record of the information, inform the patient and provide the name and address, if known, of the health care provider who maintains the record;

(d) If the information is in use or unusual circumstances have delayed handling the request, inform the patient and specify in writing the reasons for the delay and the earliest date, not later than twenty-one working days after receiving the request, when the information will be available for examination or copying or when the request will be otherwise disposed of; or

(e) Deny the request, in whole or in part, under section 302 of this act and inform the patient.

(2) Upon request, the health care provider shall provide an explanation of any code or abbreviation used in the health care information. If a record of the particular health care information requested is not maintained by the health care provider in the requested form, the health care provider is not required to create a new record or reformulate an existing record to make the health care information available in the requested form. The health care provider may charge a reasonable fee, not to exceed the health care provider's actual cost, for providing the health care information and is not required to permit examination or copying until the fee is paid.

NEW SECTION. Sec. 302. **DENIAL OF EXAMINATION AND COPYING.** (1) Subject to any conflicting requirement in the public disclosure act, chapter 42.17 RCW, a health care provider may deny access to health care information by a patient if the health care provider reasonably concludes that:

(a) Knowledge of the health care information would be injurious to the health of the patient;

(b) Knowledge of the health care information could reasonably be expected to lead to the patient's identification of an individual who provided the information in confidence and under circumstances in which confidentiality was appropriate;

(c) Knowledge of the health care information could reasonably be expected to cause danger to the life or safety of any individual;

(d) The health care information was compiled and is used solely for litigation, quality assurance, peer review, or administrative purposes; or

(e) Access to the health care information is otherwise prohibited by law.

(2) If a health care provider denies a request for examination and copying under this section, the provider, to the extent possible, shall segregate health care information for which access has been denied under subsection (1) of this section from information for which access cannot be denied and permit the patient to examine or copy the disclosable information.

(3) If a health care provider denies a patient's request for examination and copying, in whole or in part, under subsection (1) (a) or (c) of this section, the provider shall permit examination and copying of the record by another health care provider, selected by the patient, who is licensed, certified, registered, or otherwise authorized under the laws of this state to treat the patient for the same condition as the health care provider denying the request. The health care provider denying the request shall inform the patient of the patient's right to select another health care provider under this subsection. The patient shall be responsible for arranging for compensation of the other health care provider so selected.

"ARTICLE IV

CORRECTION AND AMENDMENT OF RECORD"

NEW SECTION. Sec. 401. REQUEST FOR CORRECTION OR AMENDMENT.

(1) For purposes of accuracy or completeness, a patient may request in writing that a health care provider correct or amend its record of the patient's health care information to which a patient has access under section 301 of this act.

(2) As promptly as required under the circumstances, but no later than ten days after receiving a request from a patient to correct or amend its record of the patient's health care information, the health care provider shall:

(a) Make the requested correction or amendment and inform the patient of the action;

(b) Inform the patient if the record no longer exists or cannot be found;

(c) If the health care provider does not maintain the record, inform the patient and provide the patient with the name and address, if known, of the person who maintains the record;

(d) If the record is in use or unusual circumstances have delayed the handling of the correction or amendment request, inform the patient and specify in writing, the earliest date, not later than twenty-one days after receiving the request, when the correction or amendment will be made or when the request will otherwise be disposed of; or

(e) Inform the patient in writing of the provider's refusal to correct or amend the record as requested and the patient's right to add a statement of disagreement.

NEW SECTION. Sec. 402. PROCEDURE FOR ADDING CORRECTION OR AMENDMENT OR STATEMENT OF DISAGREEMENT. (1) In making a correction or amendment, the health care provider shall:

(a) Add the amending information as a part of the health record; and

(b) Mark the challenged entries as corrected or amended entries and indicate the place in the record where the corrected or amended information is located, in a manner practicable under the circumstances.

(2) If the health care provider maintaining the record of the patient's health care information refuses to make the patient's proposed correction or amendment, the provider shall:

(a) Permit the patient to file as a part of the record of the patient's health care information a concise statement of the correction or amendment requested and the reasons therefor; and

(b) Mark the challenged entry to indicate that the patient claims the entry is inaccurate or incomplete and indicate the place in the record where the statement of disagreement is located, in a manner practicable under the circumstances.

"ARTICLE V

NOTICE OF INFORMATION PRACTICES"

NEW SECTION. Sec. 501. CONTENT AND DISSEMINATION OF NOTICE.

(1) A health care provider who provides health care at a health care facility that the provider operates and who maintains a record of a patient's health care information shall create a "notice of information practices" that contains substantially the following:

NOTICE

"We keep a record of the health care services we provide you. You may ask us to see and copy that record. You may also ask us to correct that record. We will not disclose your record to others unless you direct us to do so or unless the law authorizes or compels us to do so. You may see your record or get more information about it at"

(2) The health care provider shall place a copy of the notice of information practices in a conspicuous place in the health care facility, on a consent form or with a billing or other notice provided to the patient.

"ARTICLE VI

PERSONS AUTHORIZED TO ACT FOR PATIENT"

NEW SECTION. Sec. 601. HEALTH CARE REPRESENTATIVES. (1) A person

authorized to consent to health care for another may exercise the rights of that person under this chapter to the extent necessary to effectuate the terms or purposes of the grant of authority. If the patient is a minor and is authorized to consent to health care without parental consent under federal and state law, only the minor may exercise the rights of a patient under this chapter as to information pertaining to health care to which the minor lawfully consented. In cases where parental consent is required, a health care provider may rely, without incurring any civil or criminal liability for such reliance, on the representation of a parent that he or she is authorized to consent to health care for the minor patient regardless of whether:

(a) The parents are married, unmarried, or separated at the time of the representation;

(b) The consenting parent is, or is not, a custodial parent of the minor;

(c) The giving of consent by a parent is, or is not, full performance of any agreement between the parents, or of any order or decree in any action entered pursuant to chapter 26.09 RCW.

(2) A person authorized to act for a patient shall act in good faith to represent the best interests of the patient.

NEW SECTION. Sec. 602. REPRESENTATIVE OF DECEASED PATIENT. A

personal representative of a deceased patient may exercise all of the deceased patient's rights under this chapter. If there is no personal representative, or upon discharge of the personal representative, a deceased patient's rights under this chapter may be exercised by persons who would have been authorized to make health care decisions for the deceased patient when the patient was living under RCW 7.70.065.

"ARTICLE VII

SECURITY SAFEGUARDS AND RECORD RETENTION"

NEW SECTION. Sec. 701. DUTY TO ADOPT SECURITY SAFEGUARDS. A health care provider shall effect reasonable safeguards for the security of all health care information it maintains.

NEW SECTION. Sec. 702. RETENTION OF RECORD. A health care provider shall maintain a record of existing health care information for at least one year following receipt of an authorization to disclose that health care information under section 203 of this act, and during the pendency of a request for examination and copying under section 301 of this act or a request for correction or amendment under section 401 of this act.

"ARTICLE VIII
CIVIL REMEDIES"

NEW SECTION. Sec. 801. CIVIL REMEDIES. (1) A person who has complied with this chapter may maintain an action for the relief provided in this section against a health care provider or facility who has not complied with this chapter.

(2) The court may order the health care provider or other person to comply with this chapter. Such relief may include actual damages, but shall not include consequential or incidental damages. The court shall award reasonable attorneys' fees and all other expenses reasonably incurred to the prevailing party.

(3) Any action under this chapter is barred unless the action is commenced within two years after the cause of action is discovered.

(4) A violation of this act shall not be deemed a violation of the consumer protection act, chapter 19.86 RCW.

"ARTICLE IX
MISCELLANEOUS PROVISIONS"

NEW SECTION. Sec. 901. CONFLICTING LAWS. (1) This chapter does not restrict a health care provider from complying with obligations imposed by federal or state health care payment programs or federal or state law.

(2) This chapter does not modify the terms and conditions of disclosure under Title 51 RCW and chapters 13.50, 26.09, 70.24, 70.39, 70.96A, 71.05, and 71.34 RCW and rules adopted under these provisions.

NEW SECTION. Sec. 902. A new section is added to chapter 42.17 RCW to read as follows:

FREEDOM OF INFORMATION ACT. Chapter 70.-- RCW (sections 101 through 901 of this act) applies to public inspection and copying of health care information of patients.

NEW SECTION. Sec. 903. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

NEW SECTION. Sec. 904. SHORT TITLE. This act may be cited as the uniform health care information act.

NEW SECTION. Sec. 905. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 906. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 907. LEGISLATIVE DIRECTIVE. Sections 101 through 901 of this act shall constitute a new chapter in Title 70 RCW.

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 42.17 RCW; adding a new chapter to Title 70 RCW; creating new sections; and prescribing penalties." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Day moved that the House do concur in the Senate amendments to Substitute House Bill No. 1828. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. Wang presiding) stated the question before the House to be final passage of Substitute House Bill No. 1828 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1828 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Substitute House Bill No. 1828 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1936 with the following amendment:

On page 1, line 5, after "higher education coordinating board" insert ", the state board of education"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Jacobsen moved that the House do concur in the Senate amendment to Substitute House Bill No. 1936. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that a state-wide emergency communications network of enhanced 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that state-wide implementation of enhanced 911 telephone service is feasible and should be accomplished as soon as practicable.

Sec. 2. RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the

communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((8))~~ (9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

~~((9))~~ (10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

- (a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;
- (b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;
- (c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

NEW SECTION. Sec. 3. By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.020(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by section 4 of this act shall assist and facilitate enhanced 911 implementation throughout the state.

NEW SECTION. Sec. 4. A state enhanced 911 coordination office, headed by the state enhanced 911 coordinator, is established in the emergency management division of the department. Duties of the office shall include:

- (1) Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state;

(2) Seeking advice and assistance from, and providing staff support for, the enhanced 911 advisory committee; and

(3) Recommending to the utilities and transportation commission by August 31st of each year the level of the state enhanced 911 excise tax for the following year.

NEW SECTION. Sec. 5. The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers northwest, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of fire fighters, the Washington state council of police officers, the Washington ambulance association, the state fire policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, and representatives of large and small local exchange telephone companies. This section shall expire December 31, 2000.

NEW SECTION. Sec. 6. The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to help implement and operate enhanced 911 state-wide. The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall specify by rule the purposes for which moneys may be expended from this account.

NEW SECTION. Sec. 7. The legislature finds that telecommunications companies providing consolidated emergency communications systems and related service are not subject to liability in conjunction with providing these services except as stated below:

(1) No telecommunications company is liable to a person for the good-faith release to emergency communication system personnel of information not in the public record including nonpublished or nonlisted telephone numbers.

(2) A local exchange company providing emergency communications systems or services, and its employees and agents, is not liable in tort to a person for damages alleged to have been caused by the design, development, installation, maintenance, or provision of consolidated emergency communications systems or services, unless these entities or persons act with malice or criminal intent, or commit reckless, willful, and wanton conduct.

(3) For purposes of this section, "reckless, willful, and wanton conduct" is defined as an intentional and knowing action or failure to act, creating an unreasonable risk of harm to another, and which involves a high degree of probability that the harm will result.

Sec. 8. RCW 9.73.070 and 1967 ex.s. c 93 s 5 are each amended to read as follows:

~~((The provisions of)~~ (1) This chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy.

(2) This chapter shall not apply to a 911 or enhanced 911 emergency service provided for purposes of aiding public health or public safety agencies to respond to calls placed for emergency assistance.

Sec. 9. RCW 82.14B.010 and 1981 c 160 s 1 are each amended to read as follows:

The legislature finds that ~~the state and counties~~ should be provided with an additional revenue source to fund enhanced 911 emergency ~~((service))~~ communication systems throughout the state on a multicounty, county-wide, or district-wide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to ~~((vest the legislative authorities of the counties, subject to voter approval, with the power to))~~ impose an excise tax on the use of telephone access lines.

Sec. 10. RCW 82.14B.020 and 1981 c 160 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, county-wide, or district-wide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) ~~((Telephone))~~ Enhanced 911 telephone system means a public telephone system consisting of a network, data base, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the ~~((telephone))~~ local exchange company's switching office.

~~((3))~~ (4) ~~((Telephone))~~ Local exchange company has the meaning ascribed to it in RCW 80.04.010.

Sec. 11. RCW 82.14B.030 and 1981 c 160 s 3 are each amended to read as follows:

(1) The legislative authority of a county may impose ~~((an))~~ a county enhanced 911 excise tax on the use of ~~((telephone))~~ switched access lines in an amount not exceeding fifty cents per month for each ~~((telephone))~~ switched access line. The amount of tax shall be uniform for each telephone access line. ~~((This tax must be approved by a favorable vote of at least three fifths of the electors thereof voting on the proposition, at which election the number of persons voting "yes" on the proposition shall constitute three fifths of a number equal to forty per centum of the total votes cast in the county at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in the county in the last preceding general election; or by a majority of at least three fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in the county in the last preceding general election. This tax may be imposed for six years without subsequent voter approval. At any election held under this section, the ballot title of the proposition shall state the maximum monthly rate of the proposed tax which may be imposed by the county legislative authority. The actual rate of tax to be imposed shall be set by ordinance, which rate shall not exceed the maximum monthly rate approved by the electors.~~

~~No tax may be imposed under this section for more than one year before the expected implementation date of an emergency services communication system. The power granted under this section is in addition to any other authority which counties have to fund emergency services communication systems-))~~ Each county shall provide notice

of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) Beginning January 1, 1992, a state enhanced 911 excise tax is imposed on all switched access lines in the state. For 1992, the tax shall be set at a rate of twenty cents per switched access line. Until December 31, 1998, the amount of tax shall not exceed twenty cents per switched access line and thereafter shall not exceed ten cents per switched access line. The tax shall be uniform for each switched access line. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in section 6 of this act.

(3) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

Sec. 12. RCW 82.14B.040 and 1981 c 160 s 4 are each amended to read as follows:

(~~A county imposing a~~) The state enhanced 911 tax and the county enhanced 911 tax (~~under~~) created in this chapter shall (~~require collection of the tax~~) be collected from the user by the (~~telephone~~) local exchange company providing the switched access line. The (~~telephone~~) local exchange company shall state the amount of the (~~tax~~) taxes separately on the billing statement which is sent to the user.

Sec. 13. RCW 82.14B.090 and 1987 c 17 s 3 are each amended to read as follows:

An emergency service communication district is authorized to finance and provide an emergency service communication system and (~~if authorized by the voters~~) to finance the system by imposing the excise tax authorized in RCW 82.14B.030.

Sec. 14. RCW 82.14B.100 and 1987 c 17 s 4 are each amended to read as follows:

RCW 82.14B.040 through 82.14B.060 apply to any emergency service communication district established under RCW 82.14B.070 (~~through~~) and 82.14B.090. (~~A ballot proposition to authorize the excise tax authorized under RCW 82.14B.040 through 82.14B.060 may be submitted to the voters of a proposed emergency service communication district at the same election the ballot proposition creating the district is submitted. The authority to impose the tax shall only exist if both of these ballot propositions are approved.~~)

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) RCW 80.36.550 and 1990 c 260 s 3;
- (2) RCW 80.36.5501 and 1990 c 260 s 2; and
- (3) RCW 82.14B.080 and 1987 c 17 s 2.

NEW SECTION. Sec. 16. Sections 1 and 3 through 7 of this act are each added to chapter 38.52 RCW.

NEW SECTION. Sec. 17. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

On page 1, line 1 of the title, after "911;" strike the remainder of the title and insert "amending RCW 38.52.030, 9.73.070, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.090, and 82.14B.100; adding new sections to chapter 38.52 RCW; repealing RCW 80.36.550, 80.36.5501, and 82.14B.080; and providing for submission of this act to a vote of the people."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. H. Myers moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1938 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Fraser, Orr and May as conferees on Engrossed Substitute House Bill No. 1938.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1151 with the following amendments:

On page 1, after the enacting clause insert a new section to read as follows:

NEW SECTION. Sec. 1. The legislature finds there is a statistically significant difference between the number of persons under the age of twenty-one and those twenty-one and over in the number of fatal automobile accidents in which the operator of one of the motor vehicles was under twenty-one and had consumed intoxicating liquor. The legislature finds that the number of persons under twenty-one years of age involved in alcohol-related fatal accidents is twice as great as the percent of total number of licensed motor vehicle operators represented by persons under twenty-one years of age.

The legislature further finds there is rational, scientific evidence that the affect of alcohol on persons under the age of twenty-one years of age is more significant than persons of similar weight and height who are older than twenty-one.

The legislature further finds that there is a rational relationship between the need to improve the safety of all persons using the highways, roads, waterways, and airways of this state and the ability to address the special concerns caused by the use of alcohol by persons under twenty-one years of age who are operating motor vehicles of any kind.

The legislature further recognizes the need to take special precautions to protect the health, safety, and well-being of its youth.

Renumber the remaining sections consecutively and correct internal cross-references.

On page 2, line 17, after "(j)" strike "0.10" and insert "0.08"

On page 2, line 18, after "(ii)" strike "0.10" and insert "0.08"

On line 2 of the title, after "intoxication" strike "for those persons under the age of twenty-one"

On line 3 of the title, after "one;" add "creating a new section;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Mr. Appelwick: Thank you, Mr. Speaker. I would like to ask the Speaker to rule on the scope and object of the Senate amendments to House Bill No. 1151.

With consent of the House, further consideration of House Bill No. 1151 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1268 with the following amendments:

On page 13, after line 11, insert the following:

Sec. 5. RCW 41.32.260 and 1974 ex.s. c 199 s 2 are each amended to read as follows:

~~(1)(a) Any member whose public school service is interrupted by active service to ((the United States as a member of its military, naval or air service, or to)) the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the ((board of trustees: PROVIDED (1), That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: PROVIDED FURTHER (2), That)) director.~~

~~(b) A member of the retirement system who is a member of the state legislature or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or hereafter amended shall have deductions taken from his or her salary in the amount of seven and one-half percent of earnable compensation and that service credit shall be established with the retirement system while such deductions are reported to the retirement system, unless he or she has by reason of his or her employment become a contributing member of another public retirement system in the state of Washington(=: AND PROVIDED FURTHER (3), That)).~~

~~(c) Such elected official who has retired or otherwise terminated his or her public school service may then elect to terminate his or her membership in the retirement system and receive retirement benefits while continuing to serve as an elected official(=: AND, PROVIDED FURTHER (4), That)).~~

~~(d) A member of the retirement system who had previous service as an elected or appointed official, for which he or she did not contribute to the retirement system, may receive credit for such legislative service unless he or she has received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees.~~

(2)(a) Any member whose public school service is interrupted by active service to the United States as a member of its military, naval, or air service, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof: PROVIDED, That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war.

(b) After completing twenty-five years of creditable service, any member may have the member's service in the armed forces credited to the member if the service was prior to membership, but in no instance shall such military service in excess of five years be credited. This subsection (2)(b) does not apply to any individual who is not a veteran within the meaning of RCW 41.04.005. Military service shall not be credited to any member who is receiving full military retirement benefits pursuant to Title 10 of the United States Code.

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 33, line 1, strike all of subsection (6) and insert the following:

"(6)(a) "Surviving spouse" for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a member(~~---The word shall not include the divorced spouse of a member~~) or an ex-spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (i) A person shall have been married to the member for at least one year prior to the member's retirement or separation from service if a vested member; (ii) the decree or court order must be currently effective; and (iii) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(b) "Surviving spouse" for persons who establish membership in the retirement system on or after October 1, 1977, means the surviving widow or widower of a member and does not include the divorced spouse of a member."

On page 46, after line 18, insert the following:

"Sec. 18. RCW 41.32.575 and 1989 c 272 s 3 are each amended to read as follows:

(1) Beginning July 1, (~~(1989)~~) 1991, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at the benefit age ((~~sixty five~~)), to be known for the purposes of this section as the "((~~age sixty-five~~)) benefit age retirement allowance";

(b) The index for the calendar year prior to the year that the retiree reached the benefit age ((~~sixty five~~)), to be known for purposes of this section as "index A";

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio"; and

(e) The value obtained when the retiree's ((~~age sixty five~~)) benefit age retirement allowance is multiplied by ((~~sixty percent~~)) the applicable percentage of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit."

(2) Beginning with the July payment, the retiree's ((~~age sixty five~~)) benefit age retirement allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; (~~(not)~~)

(b) Differ from the previous year's allowance by more than three percent; or

(c) Be paid before the retiree is age sixty-six.

No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services.

(3) For members who retire after the benefit age ((~~sixty five~~)), the ((~~age sixty five~~)) benefit age retirement allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to the benefit age ((~~sixty five~~)): (a) The ((~~age sixty five~~)) benefit age retirement allowance shall be the allowance received

by the beneficiary on the date the member would have turned the benefit age (~~sixty-five~~); and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age (~~sixty-five~~).

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) "Index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) "Retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

Sec. 19. RCW 41.40.325 and 1989 c 272 s 2 are each amended to read as follows:

(1) Beginning July 1, (~~1989~~) 1991, and every year thereafter, the department shall determine the following information for each retired member or beneficiary who is over the age of sixty-five:

(a) The dollar amount of the retirement allowance received by the retiree at the benefit age (~~sixty-five~~), to be known for the purposes of this section as the "~~(age sixty-five)~~ benefit age retirement allowance";

(b) The index for the calendar year prior to the year that the retiree reached the benefit age (~~sixty-five~~), to be known for purposes of this section as "index A";

(c) The index for the calendar year prior to the date of determination, to be known for purposes of this section as "index B";

(d) The ratio obtained when index B is divided by index A, to be known for the purposes of this section as the "full purchasing power ratio"; and

(e) The value obtained when the retiree's ~~(age sixty-five)~~ benefit age retirement allowance is multiplied by (~~sixty percent~~) the applicable percentage of the retiree's full purchasing power ratio, to be known for the purposes of this section as the "target benefit."

(2) Beginning with the July payment, the retiree's ~~(age sixty-five)~~ benefit age retirement allowance shall be adjusted to be equal to the retiree's target benefit. In no event, however, shall the adjusted allowance:

(a) Be smaller than the retirement allowance received without the adjustment; (~~not~~)

(b) Differ from the previous year's allowance by more than three percent; or

(c) Be paid before the retiree is age sixty-six.

No adjustment shall be made if the benefit age retirement allowance is greater than three hundred percent of the poverty income level for a family of two as published annually by the United States department of health and human services.

(3) For members who retire after the benefit age (~~sixty-five~~), the ~~(age sixty-five)~~ initial retirement allowance shall be the initial retirement allowance received by the member.

(4) For beneficiaries of members who die prior to the benefit age (~~sixty-five~~): (a) The ~~(age sixty-five)~~ initial retirement allowance shall be the allowance received by the

beneficiary on the date the member would have turned the benefit age (~~((sixty-five))~~); and (b) index A shall be the index for the calendar year prior to the year the member would have turned the benefit age (~~((sixty-five))~~).

(5) Where the pension payable to a beneficiary was adjusted at the time the benefit commenced, the benefit provided by this section shall be adjusted in a manner consistent with the adjustment made to the beneficiary's pension.

(6) For the purposes of this section:

(a) "Index" means, for any calendar year, that year's average consumer price index--Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor;

(b) "Retired member" or "retiree" means any member who has retired for service or because of duty or nonduty disability, or the surviving beneficiary of such a member.

(7) The benefit age and the applicable percentage shall be determined by the state actuary using the funds appropriated for this purpose in each biennial omnibus appropriations act until the target levels established in this subsection are achieved. The benefit age shall be initially set at sixty-five, and the applicable percent shall be initially set at sixty percent. Each year, as available funds permit, the state actuary shall reduce the benefit age from age sixty-five to the age at retirement. After the benefit age has been adjusted to the age at retirement, the state actuary shall, as available funds permit, increase the applicable percentage on an incremental basis from sixty percent to seventy percent.

Renumber remaining sections consecutively.

On page 1, line 2 of the title, after "41.32.013," insert "41.32.260,"

On page 1, line 2 of the title, after "41.32.013," insert "41.32.575,"

On page 1, line 3 of the title, after "41.40.235," insert "41.40.325,"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Ms. Spanel: I would like to ask for a ruling on the scope and object of each of the Senate amendments to Substitute House Bill No. 1268.

With consent of the House, further consideration of Substitute House Bill No. 1268 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of social and health services shall conduct an assessment of the children in its care to determine the appropriate level of residential and treatment services required by these children. Prior to performing the assessment, the department shall, in conjunction with the private sector, develop a comprehensive, multidisciplinary diagnostic/assessment tool to be used in conducting the assessment. Any such assessment shall be based on a statistically valid sample of all children in the department's care. The department shall report the results of the

assessment to the appropriate standing committees of the legislature by September 15, 1992. The department shall submit recommendations to the appropriate standing committees of the legislature on reallocating funds for children's services by December 1, 1992.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services may implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

NEW SECTION. Sec. 3. The legislature finds that a destructive lifestyle of drug and street gang activity is rapidly becoming prevalent among some of the state's youths. Gang and drug activity may be a culturally influenced phenomenon which the legislature intends public and private agencies to consider and address in prevention and treatment programs. Gang and drug-involved youths are more likely to become addicted to drugs or alcohol, live in poverty, experience high unemployment, be incarcerated, and die of violence than other youths.

NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW to read as follows:

(1) The department of social and health services may contract with a community-based nonprofit organization to establish a three-step transitional treatment program for gang and drug-involved juvenile offenders committed to the custody of the department under chapter 13.40 RCW. Any such program shall provide six to twenty-four months of treatment. The program shall emphasize the principles of self-determination, unity, collective work and responsibility, cooperative economics, and creativity. The program shall be culturally relevant and appropriate and shall include:

(a) A culturally relevant and appropriate institution-based program that provides comprehensive drug and alcohol services, individual and family counseling, and a wilderness experience of constructive group living, rigorous physical exercise, and academic studies;

(b) A culturally relevant and appropriate community-based structured group living program that focuses on individual goals, positive community involvement, coordinated drug and alcohol treatment, coordinated individual and family counseling, academic and vocational training, and employment in apprenticeship, internship, and entrepreneurial programs; and

(c) A culturally relevant and appropriate transitional group living program that provides support services, academic services, and coordinated individual and family counseling.

(2) Participation in any such program shall be on a voluntary basis.

(3) The department shall adopt rules as necessary to implement any such program.

NEW SECTION. Sec. 5. (1) The department of social and health services may contract with an independent research organization to conduct an evaluation of any program that is established under section 4 of this act. The evaluation shall include an analysis of the race and ethnicity of juvenile offenders served, the offenses for which the youths were committed, the services provided, the effects of the program on educational and vocational achievement, and the rate of recidivism for these youth.

(2) Any organization selected shall provide a preliminary report on the program to appropriate standing committees of the senate and house of representatives by September 15, 1992. Any final report shall be submitted to appropriate standing committees of the senate and house of representatives by January 15, 1993.

Sec. 6. RCW 13.34.030 and 1988 c 176 s 901 are each amended to read as follows:
For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

(3) "Permanency planning" means the process by which a child is diagnostically assessed and provided treatment services based on his or her unique individual and developmental needs to facilitate the attainment of successful maturity as an adult. Permanency planning should occur in the least restrictive setting appropriate and available and with minimum placement disruption.

(4) "Transitional living programs" means programs that provide shelter and services designed to promote transition to self-sufficient living, development of independent living skills, and to minimize the incidence of long-term dependency on social services.

NEW SECTION. Sec. 7. Out-of-home placement services become necessary whenever voluntary or court-ordered out-of-home placement of a child is imminent or has already occurred. In striving to meet the objective of permanency for every child, a continuum of services must encompass the full range of possible alternatives. A variety of services are available to prevent out-of-home placement or address the needs of the child and family when out-of-home placement becomes necessary, however, the continuum of care is severely lacking in providing transitional living services for older youth.

NEW SECTION. Sec. 8. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall contract, using the request for proposal process, with independent qualified agencies to provide transitional living services to minors.

Persons sixteen to eighteen years old or sixteen years old until emancipation are eligible for transitional living services. The population eligible for transitional living services are those for whom returning to their parents' or guardians' home is not possible and for whom foster care or adoption is not likely or appropriate. An assessment shall be done of each minor, including the minor's family situation, before receiving transitional living services. The assessment shall include input from the agency that would be providing the transitional living services to the minor, the agency currently providing services to the minor, and the caseworker for the minor. The assessment shall seek to determine whether the most appropriate plan for the minor is preparation for emancipation. The assessment shall also determine whether the minor is motivated to participate in a transitional living program that requires significant commitment from the minor. A primary goal of transitional living services shall be the acquisition by the youth of basic educational and/or vocational skills that are compatible with the individual's treatment plan. If a youth demonstrates a consistent unwillingness to participate in the acquisition of such skills, a reassessment shall be done of the youth's appropriateness for the program.

NEW SECTION. Sec. 9. A new section is added to chapter 13.34 RCW to read as follows:

Transitional living services should be tailored to meet the needs of the particular minor. A transitional living program should include, but is not limited to, the following:

(1) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(2) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(3) Health services including pre and post-natal care;

(4) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(5) Individual and group counseling with emphasis on issues of avoiding abuse, sexual abuse, prostitution, drug and alcohol abuse, depression, motivation, self-esteem, and interpersonal and social skills training and development;

(6) Recognizing and facilitating long-term relationships with significant adults; and

(7) Establishing networks with federal agencies and state and local organizations such as the department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 10. If specific funding for the purposes of sections 6 through 9 of this act, referencing this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 9 of this act shall be null and void.

NEW SECTION. Sec. 11. It is the intent of the legislature to provide timely, thorough, and fair procedures for resolution of grievances of clients, foster parents, and the community resulting from decisions made by the department of social and health services. Grievances should be resolved at the lowest level possible, however, all levels of the department should be held accountable and responsible to individuals who are experiencing difficulties with their services or decisions.

NEW SECTION. Sec. 12. A new section is added to chapter 74.13 RCW to read as follows:

The department shall develop and implement, by July 1, 1991, a formal complaint resolution process to be used by clients of the department, individual complainants, and foster parents who have complaints regarding a policy of a division of the department or procedure or the application of a division policy or procedure.

After a complainant initiates the complaint resolution process, jurisdiction shall continue for thirty days unless an extension is agreed to by the complainant. After thirty days, if no extension has been agreed to, the complainant may file an application for an adjudicative proceeding under chapter 34.05 RCW.

The department shall develop procedures to assure that clients of the department and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and caseworkers.

Any client of the department, individual complainant, or foster parent who uses the department's complaint resolution process and who is subjected to any reprisal or retaliatory action undertaken after the complainant makes his or her complaint known to the department may seek judicial review of the reprisal or retaliatory action in superior court. In such action, the reviewing court may award reasonable attorneys' fees.

The department shall compile complaint resolution data including about whom a complaint was made, by whom, and the outcome of the complaint. The department shall submit semiannual reports, due January and July of each year, beginning January 1992,

to the senate children and family services committee and the house of representatives human services committee.

NEW SECTION. Sec. 13. A new section is added to chapter 74.13 RCW to read as follows:

A foster parent or relative care provider may seek review of an agency decision to remove a foster child residing in the home of the foster parent or relative, pursuant to a court order entered in a proceeding under this chapter, through use of the department's complaint resolution process. The complaint resolution process shall not be used to contest a decision to return the child home when a court order has been entered to that effect or to contest a decision regarding visitation. The foster parent or relative care provider shall initiate that process within five days of receipt of the removal decision notification. Thirty days following the initiation of the department's complaint resolution process, unless an agreed extension exists, the foster parent or relative care provider may file an application for an adjudicative proceeding under chapter 34.05 RCW. The agency shall schedule the adjudicative hearing within five days after the application is filed. A final order shall be issued by the presiding officer of the adjudicative proceeding within twenty-one days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with RCW 34.05.461(7).

The general public shall be excluded from adjudicative proceedings regarding agency removal decisions. Only parties to the adjudicative or the dependency proceeding or persons the judge finds to have a direct interest in the case shall be admitted.

NEW SECTION. Sec. 14. A new section is added to chapter 74.13 RCW to read as follows:

If a foster parent or relative care provider is using the department's complaint resolution process to review a decision to remove a child from the foster family home or from a relative home or has filed an application for an adjudicative proceeding, the foster child shall remain in the foster or relative home unless the regional administrator determines that the child's safety is in jeopardy or that other compelling reasons exist necessitating the removal.

Sec. 15. RCW 74.13.300 and 1990 c 284 s 12 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home or the home of a relative care provider by the department or a child-placing agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or child-placing agency shall notify the foster family in writing of the reasons upon which the decision to move the child was based, at least five days prior to moving the child to another placement, unless:

- (a) A court order has been entered requiring an immediate change in placement; or
- (b) ~~((The child is being returned home;~~
- (c)) The child's safety is in jeopardy(~~(-or~~
- (d) ~~The child is residing in a receiving home or a group home)).~~

(2) If a decision is made by the department or a child-placing agency to move a child to another placement, the foster family parent or relative care provider shall receive written notice of his or her right to request a review of the removal decision regarding a child that is residing in the home of the foster parent or relative pursuant to a court order entered in a proceeding under this chapter through the department's complaint resolution process. The notification shall also advise the foster family parent or relative care provider that if the complaint remains unresolved after use of the department's complaint resolution process, he or she may file an application for an adjudicative proceeding under chapter 34.05 RCW. Notification of the department's complaint resolution process and right to an adjudicative proceeding is not required to be provided if:

- (a) A court order has been entered requiring an immediate change in placement; or

(b) The child is being returned home and a court order has been entered to that effect.

(3) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or child-placing agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

~~((3))~~ (4) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to ~~((require that a court hearing be held prior to changing a child's foster care placement nor to))~~ create any substantive custody rights in the foster parents.

NEW SECTION. Sec. 16. A new section is added to chapter 74.13 RCW to read as follows:

The department shall establish rules specifying the criteria needed to be a foster-adopt parent and create a license for that category of foster parent. Specific placement procedures regarding foster-adopt shall be incorporated into the training for caseworkers. The department shall develop a form that constitutes an agreement between the department and each foster-adopt parent. The agreement shall include, in bold-faced, capital letters, the fact that there is no guarantee that parental rights to a foster child being placed in the foster-adopt home will be terminated. The form shall include a section where the foster-adopt parents indicate what representations, if any, were made to them by the department regarding adoption. The department shall implement the foster-adopt agreement form by July 1, 1991, and report back to the legislature by September 1, 1991. If parental rights to the child in the foster-adopt home are terminated, the foster-adopt parents shall be given first consideration to adopt the foster child. If foster-adopt parents seek judicial review of a decision to remove a foster child from their care and prevail, the department shall pay court costs and attorneys' fees.

NEW SECTION. Sec. 17. A new section is added to chapter 13.34 RCW to read as follows:

If a child has resided in a foster-adopt home for a period of twelve months or more, the foster-adopt parents may file a petition seeking termination of the parent and child relationship.

Sec. 18. RCW 13.34.110 and 1983 c 311 s 4 are each amended to read as follows:

The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor, and after it has announced its findings of fact shall hold a hearing to consider disposition of the case immediately following the fact-finding hearing or at a continued hearing within fourteen days or longer for good cause shown. The parties need not appear at the fact-finding or dispositional hearing if all are in agreement; but the court shall receive and review a social study before entering an order based on agreement. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by mail of the time and place of any continued hearing.

All hearings may be conducted at any time or place within the limits of the county, and such cases may not be heard in conjunction with other business of any other division of the superior court. The general public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. If a child resides in foster care or in the home of a relative pursuant to a disposition order entered under RCW 13.34.130, the court shall allow the child's foster parent or relative care provider to attend dependency review proceedings pertaining to the child for the purpose of providing information about the child to the court.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

NEW SECTION. Sec. 19. A new section is added to chapter 13.34 RCW to read as follows:

If a dependent child has resided in the home of a foster parent or a relative for at least eighteen months pursuant to a court order entered in a proceeding under this chapter, the foster parent or relative may file a motion to intervene as a party in the action pertaining to the child. The motion to intervene shall be served upon the parties to the action as provided in applicable juvenile court and superior court rules.

NEW SECTION. Sec. 20. Sections 11 through 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.030, 74.13.300, and 13.34.110; adding a new section to chapter 13.40 RCW; adding new sections to chapter 74.13 RCW; adding new sections to chapter 13.34 RCW; creating new sections; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Mr. Hargrove: Thank you, Mr. Speaker. I request a ruling on the scope and object of sections 11 through 20 of the Senate amendments to Engrossed Substitute House Bill No. 1608.

With consent of the House, further consideration of Engrossed Substitute House Bill No. 1608 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211 with the following amendments:

On page 2, line 9, after "dissolution," insert "invalidity."

On page 41, after line 22, insert the following:

Sec. 33. RCW 41.32.550 and 1970 ex.s. c 35 s 4 are each amended to read as follows:

Should the (~~board~~) director determine from the report of the medical director that a member (~~(in full-time service)~~) employed under an annual contract with an employer has become permanently disabled for the performance of his or her duties or at any time while a member is receiving temporary disability benefits that a member's disability will be permanent, a member shall have the option of then receiving (1) all of his or her accumulated contributions in a lump sum payment and canceling his or her membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (3) if he or she had five or more years of Washington membership service credit established with the retirement system, a retirement allowance because of disability: PROVIDED, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provision of law governing retirement for service or age. If the member qualifies to

receive a retirement allowance because of disability he or she shall be paid the maximum annuity which shall be the actuarial equivalent of his or her accumulated contributions at his or her age of retirement and a pension equal to the service pension to which he or she would be entitled under RCW 41.32.497 as now or hereafter amended. If the member dies before he or she has received in annuity payments the present value of his or her accumulated contributions at the time of his or her retirement, the unpaid balance shall be paid to his or her estate or to such persons as he or she shall have nominated by written designation executed and filed with the (~~(board of trustees)~~) department.

A member retired for disability may be required at any time to submit to reexamination. If medical findings reveal that the individual is no longer disabled for the performance of public school service, the retirement allowance granted because of disability may be terminated by action of the (~~(board of trustees)~~) director or upon written request of the member. In case of such termination, the individual shall be restored to full membership in the retirement system.

NEW SECTION. Sec. 34. A new section is added to chapter 41.32 RCW to read as follows:

Persons who were under an annual half-time contract with an employer anytime during the period of September 1, 1986, through August 31, 1987, shall be eligible for benefits provided by RCW 41.32.550, as amended by chapter ..., Laws of 1991 (this act), if during that period they were medically determined to be permanently disabled for the performance of their duty.

Renumber the sections consecutively and correct any internal references accordingly.

On page 41, after line 22, add a section as follows:

"Sec. 33. Section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 418, Laws of 1987 and RCW 41.26.030 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) (a) "Employer" for persons who establish membership in the retirement system on or before September 30, 1977, means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for persons who establish membership in the retirement system on or after October 1, 1977, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any person who is serving on a full time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, or town marshal or deputy marshal, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those

persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended) if such individual has five years previous membership in the retirement system established in chapter 41.20 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply; and

(e) The term "law enforcement officer" also includes any person employed on or after November 1, 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(4) "Fire fighter" means:

(a) any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such;

(b) anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) supervisory fire fighter personnel;

(d) any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(e) the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW: PROVIDED, That for persons who establish membership in the retirement system on or after October 1, 1977, the provisions of this subparagraph shall not apply;

(f) any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fireman or fire fighter;

(g) any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971 was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) the term "fire fighter" also includes any person employed on or after November [1,] 1975, and prior to December 1, 1975, as a director of public safety so long as the duties of the director substantially involve only police and/or fire duties and no other duties.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW, including two members of the retirement system and two employer representatives as provided for in **RCW 41.26.050. The retirement board shall be called the Washington law enforcement officers' and fire fighters' retirement board and may enter in legal relationships in that name. Any legal relationships entered into in that name prior to the adoption of *this 1972 amendatory act are hereby ratified.

(6) "Surviving spouse" for persons who establish membership in the retirement system on or before September 30, 1977, means the surviving widow or widower of a

member(~~—The word shall not include the divorced spouse of a member~~) or an ex-spouse who has been provided benefits under any court decree of dissolution or legal separation or in any court order or court approved property settlement agreement incident to any court decree of dissolution or legal separation. In order to qualify as a surviving spouse under this subsection: (a) A person shall have been married to the member for at least thirty years, including at least twenty years prior to the member's retirement or separation from service if a vested member; (b) the decree or court order must be currently effective; and (c) the decree or court order must have been entered after the member's retirement and prior to December 31, 1979. If two or more persons are eligible as surviving spouses under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage. This definition shall apply retroactively.

(7) "Child" or "children" whenever used in this chapter means every natural born child and stepchild where that relationship was in existence prior to the date benefits are payable under this chapter, posthumous child, child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter, and illegitimate child legitimized prior to the date any benefits are payable under this chapter, all while unmarried, and either under the age of eighteen years or mentally or physically handicapped as determined by the retirement board except a handicapped person in the full time care of a state institution. A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) (a) "Beneficiary" for persons who establish membership in the retirement system on or before September 30, 1977, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for persons who establish membership in the retirement system on or after October 1, 1977, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) (a) "Final average salary" for persons who establish membership in the retirement system on or before September 30, 1977, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the

case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for persons who establish membership in the retirement system on or after October 1, 1977, means the monthly average of the member's basic salary for the highest consecutive sixty months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13) (a) "Basic salary" for persons who establish membership in the retirement system on or before September 30, 1977, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for persons who establish membership in the retirement system on or after October 1, 1977, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay: PROVIDED, That in any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) the basic salary the member would have received had such member not served in the legislature; or

(ii) such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under subparagraph (i) of this subsection is greater than basic salary under subparagraph (ii) of this subsection shall be paid by the member for both member and employer contributions.

(14) (a) "Service" for persons who establish membership in the retirement system on or before September 30, 1977, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. In addition to the foregoing, for members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall include (i) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (ii) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act: PROVIDED, That if such member's prior service is not creditable due to the withdrawal of his contributions plus accrued interest thereon from a prior pension system, such member shall be credited with such prior service, as a law enforcement officer or fire fighter, by paying to the Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to that which was withdrawn from the prior system by such member, as a law

enforcement officer or fire fighter: PROVIDED FURTHER, That if such member's prior service is not creditable because, although employed in a position covered by a prior pension act, such member had not yet become a member of the pension system governed by such act, such member shall be credited with such prior service as a law enforcement officer or fire fighter, by paying to the 'Washington law enforcement officers' and fire fighters' retirement system, on or before March 1, 1975, an amount which is equal to the employer's contributions which would have been required under the prior act when such service was rendered if the member had been a member of such system during such period: AND PROVIDED FURTHER, That where a member is employed by two employers at the same time, he shall only be credited with service to one such employer for any month during which he rendered such dual service.

(b) "Service" for persons who establish membership in the retirement system on or after October 1, 1977, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" means either the county disability board or the city disability board established in RCW 41.26.110 for persons who establish membership in the retirement system on or before September 30, 1977.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to persons who establish membership in the retirement system on or before September 30, 1977.

(20) "Disability retirement" for persons who establish membership in the retirement system on or before September 30, 1977, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for persons who establish membership in the retirement system on or before September 30, 1977, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopath licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic x-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when he is injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(23) "Regular interest" means such rate as the director may determine.

(24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(25) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(26) "Director" means the director of the department.

(27) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(28) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature."

Renumber the remaining sections accordingly.

On page 42, beginning on line 1, strike the remainder of the bill

On page 1, line 6 of the title, after "43.43.280" strike the remainder of the title and insert "and adding new sections to chapter 41.50 RCW."

On page 1, line 6 of the title, after "41.26.510," add "41.26.030,"

On page 1, line 6 of the title, strike "and 43.43.280" and insert "43.43.280, and 41.32.550"

On page 1, line 6 of the title, after "41.50 RCW;" insert "adding a new section to chapter 41.32 RCW;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1211. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1211 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1211 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 1, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 94.

Absent: Representative Brekke - 01.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed Substitute House Bill No. 1211 as amended by the Senate, having received the constitutional majority, was declared passed.

Representative Brekke appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to (1) encourage school districts, individually and cooperatively, to develop innovative special services demonstration projects that use resources efficiently and increase student learning; (2)

promote noncategorical approaches to special services program design, funding, and administration; (3) develop efficient and cost-effective means for identifying students as specific learning disabled, in order to increase the proportion of resources devoted to classroom instruction; and (4) provide a means to grant waivers from state rules.

NEW SECTION. Sec. 2. The superintendent of public instruction shall:

- (1) Make ten to twenty-five awards for demonstration projects in individual school districts and cooperatives;
- (2) Make awards for in-service training of teachers and other staff;
- (3) Provide technical assistance;
- (4) Grant waivers from state rules needed to implement the projects, or request such waivers to be granted by the appropriate agency;
- (5) Contract with school districts for demonstration projects and make contract payments in accordance with sections 1 through 5 of this act;
- (6) Perform or contract for an evaluation of the projects;
- (7) Confer on the evaluation design with the selection advisory committee; and
- (8) Submit to the legislature an interim report on the evaluation by December 31, 1993, and a final report by December 31, 1995.

NEW SECTION. Sec. 3. (1) The selection advisory committee is created. The committee shall be composed of up to three members from the house of representatives, up to three members from the senate, up to two members from the office of the superintendent of public instruction, and one member from each of the following: The office of financial management, Washington state special education coalition, transitional bilingual instruction educators, and Washington education association.

(2) The legislative budget committee and the superintendent of public instruction shall provide staff for the selection advisory committee.

(3) The selection advisory committee shall:

- (a) Develop appropriate criteria for selecting demonstration projects;
- (b) Issue requests for proposals in accordance with sections 1 through 5 of this act for demonstration projects to commence during the 1991-92 and 1992-93 school years;
- (c) Review proposals and recommend demonstration projects for approval by the superintendent of public instruction;
- (d) Advise the superintendent of public instruction on the evaluation design; and
- (e) Report each year by December 1st on the status of the demonstration projects to the legislative budget committee and the appropriate policy and fiscal committees of the house of representatives and the senate.

NEW SECTION. Sec. 4. School districts with demonstration projects shall:

(1) Confer on a regular basis during project planning and implementation with teachers, support staff, parents of handicapped students, and parents of other students served in the project;

(2) Administer annual achievement tests to all students served in the project if required in the project contract; and

(3) Cooperate in providing all information needed for the evaluation.

NEW SECTION. Sec. 5. (1) Project funding may include state, federal, and local funds, as specified by the district in its approved project cost proposal. The superintendent of public instruction shall include all project funding for a participating district in a project contract and disburse the funds as contract payments.

(2) As a general guideline, subject to refinements in the district cost proposal and approval by the superintendent of public instruction, the portion of state handicapped funding included as project funding shall be determined as follows:

(a) If the district serves specific learning disabled students in the project, the portion of the handicapped allocation attributed to specific learning disabled students shall be included, with proportional adjustments if the project serves only part of the district's specific learning disabled population;

(b) If other handicapped students are served in the project, the portions of the handicapped allocation attributed to those students shall be included, with proportional adjustments if the project serves only part of the district's population in those categories of handicapped students.

(3) State handicapped allocations shall be calculated for project districts according to the handicapped funding formula in use for other districts, but with the following changes:

(a) Except as provided in (b) of this subsection, funding in each school year for specific learning disabled and other handicapped students served in a project shall be based on the average percentage of the kindergarten through twelfth grade enrollment in the particular handicapped category during the prior three years.

(b) Project funding for school districts that had pilot projects approved under section 13, chapter 233, Laws of 1989, shall be based for the duration of a project under sections 1 through 5 of this act on four percent of the kindergarten through twelfth grade enrollment considered as specific learning disabled, without regard to the actual number of students so identified. The legislature recognizes the importance of continuing and developing the pilot projects.

(c) The funding percentages for demonstration projects specified in (a) and (b) of this subsection shall be used to adjust basic education allocations under RCW 28A.150.260 and learning assistance program allocations under RCW 28A.165.070.

(d) State handicapped allocations under subsection (2) of this section up to the level required by federal maintenance of effort rules shall be expended for services to handicapped students in the project. Allocations greater than the amount needed to comply with federal maintenance of effort rules shall be designated as noncategorical project funds and may be expended on services to any student served in the project.

(4) Federal handicapped allocations may be designated in whole or in part for project use, if the amounts are included in the district's approved cost proposal and the project contract.

(5) Learning assistance program allocations may be designated in whole or in part for project use, if the amounts are included in the district's approved cost proposal and the project contract. These allocations shall be calculated for project districts according to the funding formula in use for other districts, except that any increases in the district allocation above the fiscal year 1991 amount shall be designated as noncategorical project funds and may be expended on services to any student served in the project.

(6) Transitional bilingual program allocations may be designated in whole or in part for project use, if the amounts are included in the district's approved cost proposal and the project contract. These allocations shall be calculated for project districts according to the funding formula in use for other districts, except that any increases in the district allocation above the fiscal year 1991 amount shall be designated as noncategorical project funds and may be expended on services to any student served in the project.

(7) Funding under the federal remediation program allocations may be designated in whole or in part for project use, if the amounts are included in the district's approved cost proposal and the project contract.

(8) Funding from local sources may be designated for project use, if the amounts are included in the district's approved cost proposal and the project contract.

(9) Expenditures of noncategorical project funds under subsections (3)(d), (5), and (6) of this section shall be accounted for in new and discrete program or subprogram codes designated by the superintendent of public instruction. The codes shall take effect by September 1, 1991.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are each added to chapter 28A.630 RCW.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act shall expire January 1, 1996.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "adding new sections to chapter 28A.630 RCW; creating a new section; providing an expiration date; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. H. Sommers moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1329. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1329 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, and Mr. Speaker - 95.

Excused: Representatives Grant, Wood, Zellinsky - 03.

Engrossed Substitute House Bill No. 1329 as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 10:00 a.m., Wednesday, April 24, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 24, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. R. Meyers presiding). The Clerk called the roll and all members were present except Representatives Beck, Grant, O'Brien and Wood.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christa Fuhrman and Matthew Ward. The Blaine High School Swing Choir, directed by Mr. Andy Harmening, sang "The Star Spangled Banner."

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

April 24, 1991

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5022,
 SENATE BILL NO. 5043,
 SENATE BILL NO. 5075,
 SECOND SUBSTITUTE SENATE BILL NO. 5083,
 SENATE BILL NO. 5104,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5114,
 SECOND SUBSTITUTE SENATE BILL NO. 5143,
 SENATE BILL NO. 5148,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,
 SUBSTITUTE SENATE BILL NO. 5204,
 SENATE BILL NO. 5231,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5256,
 SUBSTITUTE SENATE BILL NO. 5260,
 SUBSTITUTE SENATE BILL NO. 5261,
 SENATE BILL NO. 5264,
 SUBSTITUTE SENATE BILL NO. 5295,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5363,
 SENATE BILL NO. 5449,
 SUBSTITUTE SENATE BILL NO. 5456,
 SUBSTITUTE SENATE BILL NO. 5466,
 SENATE BILL NO. 5473,
 SUBSTITUTE SENATE BILL NO. 5478,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5494,
 SUBSTITUTE SENATE BILL NO. 5497,
 SUBSTITUTE SENATE BILL NO. 5501,
 SENATE BILL NO. 5512,
 SUBSTITUTE SENATE BILL NO. 5518,
 SENATE BILL NO. 5528,
 SUBSTITUTE SENATE BILL NO. 5536,
 SECOND SUBSTITUTE SENATE BILL NO. 5568,
 SUBSTITUTE SENATE BILL NO. 5611,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5624,
 SUBSTITUTE SENATE BILL NO. 5628,
 SUBSTITUTE SENATE BILL NO. 5632,
 SECOND SUBSTITUTE SENATE BILL NO. 5667,
 SUBSTITUTE SENATE BILL NO. 5669,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5672,
 SENATE BILL NO. 5678,
 SENATE BILL NO. 5684,
 SUBSTITUTE SENATE BILL NO. 5713,
 SUBSTITUTE SENATE BILL NO. 5720,
 SENATE BILL NO. 5766,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,
 SUBSTITUTE SENATE BILL NO. 5776,
 SENATE BILL NO. 5834,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 SENATE JOINT MEMORIAL NO. 8006,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.

The Speaker (Mr. R. Meyers presiding) called the House to order.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4691, by Representatives Cole, Jacobsen, Rust, Appelwick, Anderson, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, G. Fisher, R. Fisher, Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, P. Johnson, R. Johnson, Jones, J. King, R. King, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, R. Meyers, Mielke, Miller, Mitchell, Morris, Morton, Moyer, H. Myers, Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky

WHEREAS, Lt. Col. Acree graduated from Shorecrest High School and attended Shoreline Community College before going to officer-candidate school in Quantico, Virginia; and

WHEREAS, Lt. Col. Acree commanded a Marine observation squadron in Saudi Arabia during Operation Desert Storm; and

WHEREAS, Lt. Col. Acree's OV-10 Bronco observation plane was shot down over Kuwait on January 17, the second day of the War in the Persian Gulf; and

WHEREAS, Lt. Col. Acree first ejected his injured flying partner, Chief Warrant Officer Guy Hunter, and then parachuted to safety, only to be taken prisoner when he landed in the middle of an Iraqi brigade; and

WHEREAS, Lt. Col. Acree survived 48 days in an Iraqi prison, which he called the "Baghdad Biltmore," enduring solitary confinement, interrogation, constant beatings, and starvation; and

WHEREAS, Lt. Col. Acree suffered nerve injuries from his handcuffs and is still being treated for his injuries; and

WHEREAS, Lt. Col. Acree was put on Iraqi television for propaganda purposes, but managed to turn it around to warn Allied pilots about the dangers of surface-to-air missiles; and

WHEREAS, Lt. Col. Acree's parents, Bill and Delia Acree of Shoreline, and his wife, Cindy, and daughter, Stephany, of Camp Pendleton, California, and his sister and brother-in-law, Bonnie and Don Romain of Seattle, suffered uncertainty and fear, not knowing if he would live through his ordeal;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives welcome home Clifford Acree and thank him and his family for the sacrifices they made in defense of democracy; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Lt. Col. Clifford Acree and his wife and daughter, and to his parents, Bill and Delia Acree.

Ms. Cole moved adoption of the resolution. Representatives Cole, Rust, Heavey, Miller and Jacobsen spoke in favor of the resolution.

On motion of Mr. Wineberry, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Resolution No. 91-4691 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. R. Meyers presiding) introduced the parents of Lt. Col. Clifford Acree, Mr. and Mrs. Bill Acree, who were seated in the gallery.

MOTIONS

On motion of Mr. Bray, Representatives Grant and O'Brien were excused.
On motion of Mr. Mielke, Representatives Beck and Wood were excused.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the number of motor vehicles on the roads of the state has increased dramatically in recent years, and that this increase has created unsafe conditions for many of our children as they travel to and from school. The legislature further finds that responsibility to ensure safe walking conditions and bus stops for our children is fragmented, and that inadequate resources have been devoted to improving pedestrian safety.

NEW SECTION. Sec. 2. The school pathway and bus stop improvement program is hereby created. The purpose of the program is to establish a council to make recommendations about roads, streets, and bus stops that the council considers inadequate for school children as they travel to school, and develop a program for making safety improvements.

NEW SECTION. Sec. 3. The school pathway and bus stop improvement program council is established. Membership on the council shall include two members of the senate, two members of the house of representatives, and representatives from the department of transportation, the office of the superintendent of public instruction, school district administrators, school board members, counties, cities, the traffic safety commission, school bus drivers, and parents. The president of the senate shall select the senate members and the speaker of the house of representatives shall select the house of representatives members. Representatives of state agencies shall be selected by the respective agency. Other representatives shall be selected by appropriate state-wide organizations. The council shall select a chair from among its members. Staffing and administrative support shall be provided by the Washington traffic safety commission.

NEW SECTION. Sec. 4. (1) The council established in section 3 of this act shall:

(a) Formulate criteria for identifying roads and school bus stops that the council considers inadequate for elementary school students and establish recommendations for standards for making safety improvements;

(b) Based on the criteria and standards in (a) of this subsection, inventory those roads within a one-mile radius of elementary schools and those school bus stops considered inadequate by the council, and recommend priority safety improvement projects;

(c) Develop a plan by which the recommended priority safety improvement projects may be implemented, and make the plan available to applicable local jurisdictions;

(d) Based on the criteria and standards in (a) of this subsection, formulate recommended guidelines for student pedestrian safety within a one-mile radius of new elementary schools. At a minimum, the council shall develop recommended guidelines for incorporating pedestrian safety considerations into school siting decisions, constructing pedestrian safety infrastructure improvements within a specified time after new elementary schools are opened, and creating incentives and enforcement measures to ensure that the safety improvements are completed; and

(e) Estimate the cost of implementing state-wide sidewalk crossing rules.

(2) By June 30, 1993, the council shall submit its recommendations and findings required in subsection (1) of this section to the appropriate committees of the house of representatives and the senate, the governor, local governments, school districts, and other appropriate agencies and organizations. After July 1, 1992, the council shall provide general oversight, coordination, and assistance to local governments, state agencies, and private parties in the consideration and implementation of the recommendations.

(3) The recommendations of the council are advisory only and shall not constitute proof of an actual unsafe condition.

(4) Local jurisdictions may adopt, in whole or in part, the recommendations of the council.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act are each added to chapter 28A.160 RCW.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act shall expire June 30, 1996.

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "adding new sections to chapter 28A.160 RCW; creating new sections; and providing an expiration date." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. G. Fisher moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1172. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1172 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1172 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

Engrossed Substitute House Bill No. 1172 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 17, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1712 with the following amendments:

On page 2, line 25, after "(7)" insert ""Professional athlete" means a person who is under contract to a professional sports team and is no longer enrolled in an institution of higher education as an undergraduate student.

(8)"

Renumber the subsections consecutively and correct internal references accordingly.

On page 3, line 8, after "The" insert "registration"

On page 3, line 10, after "marriage;" strike "or"

On page 3, line 12, after "year" insert ";" or

(3) Who represents only professional athletes"

On page 4, line 23, after "agent" strike "or athlete agent firm" and insert ", athlete agent firm, or any person exempt under section 4 of this act"

On page 5, line 2, after "agent" strike "or athlete agent firm" and insert ", athlete agent firm, or any person exempt under section 4 of this act"

On page 5, line 3, after "athlete" strike ", whether or not the offer is"

On page 5, line 4, after "induce the" insert "student" and after "into a" insert "professional sports services"

On page 5, after line 13, insert the following:

NEW SECTION. Sec. 10. The sum of forty-two thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1993, to carry out the purposes of this act.

On page 1, line 2 of the title, after "RCW;" strike "and prescribing penalties" and insert "prescribing penalties; and making an appropriation" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Heavey moved that the House do concur in the Senate amendments to Substitute House Bill No. 1712. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1712 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1712 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

Substitute House Bill No. 1712 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

The collective costs to the community for domestic violence include the systematic destruction of individuals and their families, lost lives, lost productivity, and increased health care, criminal justice, and social service costs.

Children growing up in violent homes are deeply affected by the violence as it happens and could be the next generation of batterers and victims.

Many communities have made headway in addressing the effects of domestic violence and have devoted energy and resources to stopping this violence. However, the process for breaking the cycle of abuse is lengthy. No single system intervention is enough in itself.

An integrated system has not been adequately funded and structured to assure access to a wide range of services, including those of the law/safety/justice system, human service system, and health care system. These services need to be coordinated and multidisciplinary in approach and address the needs of victims, batterers, and children from violent homes.

Given the lethal nature of domestic violence and its effect on all within its range, the community has a vested interest in the methods used to stop and prevent future violence. Clear standards of quality are needed so that perpetrator treatment programs receiving public funds or court-ordered referrals can be required to comply with these standards.

While incidents of domestic violence are not caused by perpetrator's use of alcohol and illegal substances, substance abuse may be a contributing factor to domestic violence and the injuries and deaths that result from it.

There is a need for consistent training of professionals who deal frequently with domestic violence or are in a position to identify domestic violence and provide support and information.

Much has been learned about effective interventions in domestic violence situations; however, much is not yet known and further study is required to know how to best stop this violence.

Sec. 2. RCW 7.68.070 and 1990 c 3 s 502 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim, as determined by a reasonable review of the police report and, in cases of domestic violence, an assessment that takes into consideration the primary physical aggressor criteria set forth in RCW 10.31.100(2)(b);

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children

not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this

chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed forty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to fifteen thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

(17) In addition to other benefits provided under this chapter, victims of domestic violence as defined in RCW 10.99.020 are entitled to receive appropriate counseling. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Benefits for victims of domestic violence shall be based on the entire history of domestic violence experienced by the victim in the specific relationship for which benefits are claimed.

Sec. 3. RCW 10.99.020 and 1986 c 257 s 8 are each amended to read as follows:

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

(1) "Family or household members" means spouses, former spouses, ~~((adult persons related by blood or marriage, persons who are presently residing together or who have resided together in the past, and))~~ persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related

by blood or marriage, and adult persons who are presently residing together or who have resided together in the past.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
- (b) Assault in the second degree (RCW 9A.36.021);
- (c) Assault in the third degree (RCW 9A.36.031);
- (d) Assault in the fourth degree (RCW 9A.36.041);
- (e) Reckless endangerment in the first degree (RCW 9A.36.045);
- (f) Reckless endangerment (~~(in the second degree)~~) in the second degree (RCW

9A.36.050);

~~((f))~~ (g) Coercion (RCW 9A.36.070);

~~((g))~~ (h) Burglary in the first degree (RCW 9A.52.020);

~~((h))~~ (i) Burglary in the second degree (RCW 9A.52.030);

~~((i))~~ (j) Criminal trespass in the first degree (RCW 9A.52.070);

~~((j))~~ (k) Criminal trespass in the second degree (RCW 9A.52.080);

~~((k))~~ (l) Malicious mischief in the first degree (RCW 9A.48.070);

~~((l))~~ (m) Malicious mischief in the second degree (RCW 9A.48.080);

~~((m))~~ (n) Malicious mischief in the third degree (RCW 9A.48.090);

~~((n))~~ (o) Kidnapping in the first degree (RCW 9A.40.020);

~~((o))~~ (p) Kidnapping in the second degree (RCW 9A.40.030);

~~((p))~~ (q) Unlawful imprisonment (RCW 9A.40.040);

~~((q))~~ (r) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);

~~((r))~~ (s) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);

~~((s))~~ (t) Rape in the first degree (RCW 9A.44.040); and

~~((t))~~ (u) Rape in the second degree (RCW 9A.44.050).

(3) "Victim" means a family or household member who has been subjected to domestic violence.

Sec. 4. RCW 10.99.040 and 1985 c 303 s 10 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim. The no-contact order shall also be issued in writing as soon as

possible. If the court has probable cause to believe that the person charged or arrested is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require that person to surrender any deadly weapon in that person's immediate possession or control, or subject to that person's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which that person resides or to the defendant's counsel for safekeeping.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended.

(4) Willful violation of a court order issued under subsection (2) or (3) of this section is a misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony. A certified copy of the order shall be provided to the victim. If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer information system in this state which is used by law enforcement agencies to list outstanding warrants.

(5) Whenever an order prohibiting contact is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year or until the expiration date specified on the order into any computer information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 5. RCW 10.99.050 and 1985 c 303 s 12 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Willful violation of a court order issued under this section is a misdemeanor. Any assault that is a violation of an order issued under this section and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this section that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest; any assault or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 6. RCW 26.50.110 and 1984 c 263 s 12 are each amended to read as follows:

(1) Whenever an order for protection is granted under this chapter and the respondent or person to be restrained knows of the order, a violation of the restraint provisions or of a provision excluding the person from a residence is a misdemeanor.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter that restrains the person or excludes the person from a residence, if the person restrained knows of the order.

(3) A violation of an order for protection shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of a protective order issued under this chapter that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order for protection granted under this chapter, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

NEW SECTION. Sec. 7. The department of social and health services shall adopt rules for standards of approval of domestic violence perpetrator programs that accept perpetrators of domestic violence into treatment to satisfy court orders or that represent the programs as ones that treat domestic violence perpetrators. The treatment must meet the following minimum qualifications:

(1) All treatment must be based upon a full, complete clinical intake including: Current and past violence history; a lethality risk assessment; a complete diagnostic evaluation; a substance abuse assessment; criminal history; assessment of cultural issues, learning disabilities, literacy, and special language needs; and a treatment plan that adequately and appropriately addresses the treatment needs of the individual.

(2) To facilitate communication necessary for periodic safety checks and case monitoring, the program must require the perpetrator to sign the following releases:

(a) A release for the program to inform the victim and victim's community and legal advocates that the perpetrator is in treatment with the program, and to provide information, for safety purposes, to the victim and victim's community and legal advocates;

(b) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(c) A release for the program to provide information on the perpetrator to relevant legal entities including: Lawyers, courts, parole, probation, child protective services, and child welfare services.

(3) Treatment must be for a minimum treatment period defined by the secretary of the department by rule. The weekly treatment sessions must be in a group unless there is a documented, clinical reason for another modality. Any other therapies, such as individual, marital, or family therapy, substance abuse evaluations or therapy, medication reviews, or psychiatric interviews, may be concomitant with the weekly group treatment sessions described in this section but not a substitute for it.

(4) The treatment must focus primarily on ending the violence, holding the perpetrator accountable for his or her violence, and changing his or her behavior. The treatment must be based on nonvictim-blaming strategies and philosophies and shall

include education about the individual, family, and cultural dynamics of domestic violence.

(5) Satisfactory completion of treatment must be contingent upon the perpetrator meeting specific criteria, defined by rule by the secretary of the department, and not just upon the end of a certain period of time or a certain number of sessions.

(6) The program must have policies and procedures for dealing with reoffenses and noncompliance.

(7) All evaluation and treatment services must be provided by, or under the supervision of, qualified personnel.

(8) The secretary of the department may adopt rules and establish fees as necessary to implement this section.

Sec. 8. RCW 26.50.010 and 1984 c 263 s 2 are each amended to read as follows:

As used in this chapter, the following terms shall have the meanings given them:

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (b) sexual assault of one family or household member by another.

(2) "Family or household members" means spouses, former spouses, ~~((adult persons related by blood or marriage, persons who are presently residing together, or who have resided together in the past, and))~~ persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, and adult persons who are presently residing together or who have resided together in the past.

(3) "Court" includes the superior, district, and municipal courts of the state of Washington.

(4) "Judicial day" does not include Saturdays, Sundays, or legal holidays.

Sec. 9. RCW 70.123.020 and 1979 ex.s. c 245 s 2 are each amended to read as follows:

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

(1) "Shelter" means a place of temporary refuge, offered on a twenty-four hour, seven day per week basis to victims of domestic violence and their children.

(2) "Domestic violence" is a categorization of offenses, as defined in RCW 10.99.020, committed by one cohabitant against another.

(3) "Department" means the department of social and health services.

(4) "Victim" means a cohabitant who has been subjected to domestic violence.

(5) "Cohabitant" means a person who is married or who is cohabiting with a person of the opposite sex like husband and wife at the present or at sometime in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or lived together at any time, shall be treated as a cohabitant.

(6) "Community advocate" means a person employed by a local domestic violence program to provide ongoing assistance to victims of domestic violence in assessing safety needs, documenting the incidents and the extent of violence for possible use in the legal system, making appropriate social service referrals, and developing protocols and maintaining ongoing contacts necessary for local systems coordination.

(7) "Domestic violence program" means an agency that provides shelter, advocacy, and counseling for domestic violence victims in a supportive environment.

(8) "Legal advocate" means a person employed by a domestic violence program or court system to advocate for victims of domestic violence, within the criminal and civil justice systems, by attending court proceedings, assisting in document and case preparation, and ensuring linkage with the community advocate.

(9) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

NEW SECTION. Sec. 10. Client records maintained by domestic violence programs shall not be subject to discovery in any judicial proceeding unless:

(1) A written pretrial motion is made to a court stating that discovery is requested of the client's domestic violence records;

(2) The written motion is accompanied by an affidavit or affidavits setting forth specifically the reasons why discovery is requested of the domestic violence program's records;

(3) The court reviews the domestic violence program's records in camera to determine whether the domestic violence program's records are relevant and whether the probative value of the records is outweighed by the victim's privacy interest in the confidentiality of such records, taking into account the further trauma that may be inflicted upon the victim by the disclosure of the records; and

(4) The court enters an order stating whether the records or any part of the records are discoverable and setting forth the basis for the court's findings.

NEW SECTION. Sec. 11. The department of social and health services shall establish a technical assistance grant program to assist local communities in determining how to respond to domestic violence. The goals of the program shall be to coordinate and expand existing services to:

(1) Serve any individual affected by domestic violence with the primary focus being the safety of the victim;

(2) Assure an integrated, comprehensive, accountable community response that is adequately funded and sensitive to the diverse needs of the community;

(3) Create a continuum of services that range from prevention, crisis intervention, and counseling through shelter, advocacy, legal intervention, and representation to longer term support, counseling, and training; and

(4) Coordinate the efforts of government, the legal system, the private sector, and a range of service providers, such as doctors, nurses, social workers, teachers, and child care workers.

NEW SECTION. Sec. 12. (1) A county or group of counties may apply to the department for a technical assistance grant to develop a comprehensive county plan for dealing with domestic violence. The county authority may contract with a local nonprofit entity to develop the plan.

(2) County comprehensive plans shall be developed in consultation with the department, domestic violence programs, schools, law enforcement, and health care, legal, and social service providers that provide services to persons affected by domestic violence.

(3) County comprehensive plans shall be based on the following principles:

(a) The safety of the victim is primary;

(b) The community needs to be well-educated about domestic violence;

(c) Those who want to and who should intervene need to know how to do so effectively;

(d) Adequate services, both crisis and long-term support, should exist throughout all parts of the county;

(e) Police and courts should hold the batterer accountable for his or her crimes;

(f) Treatment for batterers should be provided by qualified counselors; and

(g) Coordination teams are needed to ensure that the system continues to work over the coming decades.

(4) County comprehensive plans shall provide for the following:

(a) Public education about domestic violence;

(b) Training for professionals on how to recognize domestic violence and assist those affected by it;

(c) Development of protocols among agencies so that professionals respond to domestic violence in an effective, consistent manner;

(d) Development of services to victims of domestic violence and their families, including shelters, safe homes, transitional housing, community and legal advocates, and children's services; and

(e) Local and regional teams to oversee implementation of the system, ensure that efforts continue over the years, and assist with day-to-day and system-wide coordination.

Sec. 13. RCW 42.17.310 and 1990 2nd ex.s. c 1 s 1103 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system

construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapter 43.163 RCW and chapters 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Effective March 1, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(cc) Client records maintained by an agency that is a domestic violence program as defined in section 9 of this act or a rape crisis center as defined in RCW 70.125.030.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 14. The department of health shall conduct a study to determine whether domestic violence perpetrator counselors should be certified to examine and treat domestic violence perpetrators. The department shall conduct the study according to the criteria set forth in RCW 18.120.110. The department shall report to the house of representatives, judiciary committee and the senate law and justice committee regarding its findings and recommendations by September 1, 1992.

Sec. 15. RCW 26.44.140 and 1990 c 3 s 1301 are each amended to read as follows:

The court shall require that an individual who, while acting in a parental role, has physically or sexually abused a child and has been removed from the home pursuant to a court order issued in a proceeding under chapter 13.34 RCW, prior to being permitted to reside in the home where the child resides, complete the treatment and education requirements necessary to protect the child from future abuse. The court may require the individual to continue treatment as a condition for remaining in the home where the child resides.

The department of social and health services or supervising agency shall be responsible for advising the court as to appropriate treatment and education requirements, providing referrals to the individual, monitoring and assessing the individual's progress, informing the court of such progress, and providing recommendations to the court.

~~The person removed from the home shall pay for these services ((according to a schedule established by the department of social and health services. This schedule shall be based on the individual's ability to pay))~~ unless the person is otherwise eligible to receive financial assistance in paying for such services. Nothing in this section shall be construed to create in any person an entitlement to services or financial assistance in paying for services.

Sec. 16. RCW 82.14.340 and 1990 2nd ex.s. c 1 s 901 are each amended to read as follows:

The legislative authority of any county with a population of two hundred thousand or more, and any other county with a population of one hundred fifty thousand or more that has had its population increase by at least twenty-four percent during the preceding nine years, as certified by the office of financial management for the first day of April of each year, may and, if requested by resolution of the governing bodies of cities in the county with an aggregate population equal to or greater than fifty percent of the total population of the county, as last determined by the office of financial management, shall submit an authorizing proposition to the voters of the county and if approved by a

majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. The rate of tax shall equal one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

When distributing moneys collected under this section, the state treasurer shall distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

Moneys received from any tax imposed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding. Moneys received by the county and the cities within the county from any tax imposed under this section may be expended for domestic violence community advocates, as defined in RCW 70.123.020, if, prior to the effective date of this section and prior to approval of the voters, the legislative authority of the county, which submitted an authorizing proposition to the voters of the county, adopted by ordinance a financial plan that included expenditure of a portion of the moneys received for domestic violence community advocates.

This section expires January 1, 1994.

NEW SECTION. Sec. 17. Section 7 of this act is added to chapter 26.50 RCW.

NEW SECTION. Sec. 18. Sections 10 through 12 of this act are each added to chapter 70.123 RCW.

NEW SECTION. Sec. 19. Section 14 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 20. If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for sections 2, 7, 11, and 12 of this act, referencing the sections by bill and section number, any such section not referenced is null and void.

On page 1, line 1 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 7.68.070, 10.99.020, 10.99.040, 10.99.050, 26.50.110, 26.50.010, 70.123.020, 42.17.310, 26.44.140, and 82.14.340; adding a new section to chapter 26.50 RCW; adding new sections to chapter 70.123 RCW; creating new sections; prescribing penalties; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1884. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1884 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1884 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

Engrossed Substitute House Bill No. 1884 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2037 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.84.010 and 1987 c 412 s 1 are each amended to read as follows:

It is the intent and purpose of this chapter to protect the public (~~by setting standards of qualification, education, training, and experience for use~~) by the certification and registration of practitioners of radiological technology. By promoting high standards of professional performance, by requiring professional accountability, and by credentialing those persons who seek to provide radiological technology under the title of radiological technologists, and by regulating all persons utilizing ionizing radiation on human beings this chapter identifies those practitioners who have achieved a particular level of competency. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

The legislature finds and declares that this chapter conforms to the guidelines, terms, and definitions for the credentialing of health or health-related professions specified under chapter 18.120 RCW.

Sec. 2. RCW 18.84.020 and 1991 c 3 s 204 are each amended to read as follows:

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

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Licensed practitioner" means ~~((a physician or osteopathic physician licensed under chapter 18.71 or 18.57 RCW, respectively; a registered nurse licensed under chapter 18.88 RCW; or a podiatrist licensed under chapter 18.22 RCW))~~ any licensed health care practitioner performing services within the person's authorized scope of practice.

(4) "Radiologic technologist" means an individual certified under this chapter, other than a licensed practitioner, who practices radiologic technology as a:

(a) Diagnostic radiologic technologist, who is a person who actually handles x-ray equipment in the process of applying radiation on a human being for diagnostic purposes ~~((under the supervision))~~ at the direction of a licensed practitioner; or

(b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects at the direction of a licensed practitioner; or

(c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo and in vitro detection and measurement of radioactivity for medical purposes ~~((under the supervision))~~ at the direction of a licensed practitioner.

(5) "Advisory committee" means the Washington state radiologic technology advisory committee.

(6) "Approved school of radiologic technology" means a school of radiologic technology approved by the council on medical education of the American medical association or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(7) "Radiologic technology" means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

(8) "Radiologist" means a physician certified by the American board of radiology or the American osteopathic board of radiology.

(9) "Registered x-ray technician" means a person who is registered with the department, and who applies ionizing radiation at the direction of a licensed practitioner.

Sec. 3. RCW 18.84.030 and 1987 c 412 s 2 are each amended to read as follows:

No person may ~~((represent himself or herself to the public as a certified radiologic technologist without holding a valid certificate to practice under this chapter))~~ practice radiologic technology without being registered or certified under this chapter, unless that person is a licensed practitioner as defined in RCW 18.84.020(3). A person represents himself or herself to the public as a certified radiological technologist when that person adopts or uses a title or description of services that incorporates one or more of the following items or designations:

(1) Certified radiologic technologist or CRT, for persons so certified under this chapter;

(2) Certified radiologic therapy technologist, CRTT, or CRT, for persons certified in the therapeutic field;

(3) Certified radiologic diagnostic technologist, CRDT, or CRT, for persons certified in the diagnostic field; or

(4) Certified nuclear medicine technologist, CNMT, or CRT, for persons certified as nuclear medicine technologists.

NEW SECTION. Sec. 4. The secretary may issue a registration to an applicant who submits, on forms provided by the department, the applicant's name, the address,

occupational title, name and location of business where applicant performs his or her services, and other information as determined by the secretary, including information necessary to determine whether there are grounds for denial of registration under this chapter or chapter 18.130 RCW. Each applicant shall pay a fee as determined by the secretary as provided in RCW 43.70.250. The secretary shall establish by rule the procedural requirements and fees for registration and for renewal of registrations.

NEW SECTION. Sec. 5. The secretary may provide educational materials and training to registered x-ray technicians, certified radiologic technologists, licensed practitioners and the public concerning, but not limited to, health risks associated with ionizing radiation, proper radiographic techniques, and x-ray equipment maintenance. The secretary may charge fees to recover the cost of providing educational materials and training.

NEW SECTION. Sec. 6. Nothing in this chapter may be construed to prohibit or restrict the practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state who is performing services within the person's authorized scope of practice.

NEW SECTION. Sec. 7. This chapter does not apply to practitioners licensed under chapter 18.32 RCW or unlicensed persons supervised by persons licensed under chapter 18.32 RCW.

NEW SECTION. Sec. 8. This chapter does not apply to practitioners licensed under chapter 18.25 RCW or unlicensed persons supervised by persons licensed under chapter 18.25 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 18.25 RCW to read as follows:

(1) A chiropractor may employ a technician to operate x-ray equipment after the technician has registered with the board.

(2) The board may adopt rules necessary and appropriate to carry out the purposes of this section.

NEW SECTION. Sec. 10. Persons required to register under this chapter must be registered by January 1, 1992.

Sec. 11. RCW 18.84.040 and 1991 c 3 s 205 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may in consultation with the advisory committee:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

~~((2))~~ (3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary ~~((shall be))~~ is the disciplining authority under this chapter.

NEW SECTION. Sec. 12. Sections 4 through 8 and 10 of this act are each added to chapter 18.84 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 43.131.349 and 1990 c 6 s 1 & 1987 c 412 s 18;
- (2) RCW 43.131.350 and 1990 c 6 s 2 & 1987 c 412 s 19; and
- (3) RCW 18.84.900 and 1987 c 412 s 13.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 2 of the title, after "beings;" strike the remainder of the title and insert "amending RCW 18.84.010, 18.84.020, 18.84.030, and 18.84.040; adding new sections to chapter 18.84 RCW; adding a new section to chapter 18.25 RCW; repealing RCW 43.131.349, 43.131.350, and 18.84.900; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to House Bill No. 2037. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 2037 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2037 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

House Bill No. 2037 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1993 with the following amendments:

On page 1, after line 6, strike all material through "facility." on page 2, line 4, and insert: "In any county located in whole or in part in a national scenic area and the population of which county is less than 20,000, a convention center facility may include a hotel, destination resort, conference center, or similar or related facility. A convention center facility may include the land on which any of the foregoing structures or facilities are sited. A convention center facility may also include land necessary for the operation of a convention center facility."

On page 2, line 11, strike all of section 2 and insert:

NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

The provisions of this section shall apply to any municipality in any county located in whole or in part in a national scenic area when the population of the county is less than 20,000. The provisions of this section shall also apply to the county when the county contains in whole or in part a national scenic area and the population of the county is less than 20,000.

(1) The legislative body of any municipality or the county legislative authority is authorized to sell to any public or private person, including a corporation, partnership, joint venture, or any other business entity, any convention center facility it owns in whole or in part.

(2) The price and other terms and conditions shall be as the legislative body or authority shall determine.

On line 1 of the title, after "facilities;" add "adding a new section to chapter 67.28 RCW;" and on line 2, strike "and 67.28.170"

On page 3, after line 10, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 67.28 RCW to read as follows:

In addition to the other uses authorized in this chapter, any city with a population of not less than one thousand people located on one of the San Juan islands or the county within which such city is located may impose the tax and use the tax proceeds provided herein for the acquisition, construction, or operation of publicly owned facilities that are used either for county fairs occurring no more than once a year and not extending over a period of more than seven days or to mitigate the impacts of tourism.

On page 1, line 2, after "36.32" insert "and chapter 67.28" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Substitute House Bill No. 1993. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1993 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1993 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

Substitute House Bill No. 1993 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2056 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) To promote and maintain nation-wide uniformity in the system of vital statistics, the certificates required by this chapter or by the rules adopted under this chapter shall include, as a minimum, the items recommended by the federal agency responsible for national vital statistics.

(2) The state board of health by rule may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form and shall not be subject to the view of the public or for certification purposes except upon order of the court. The state board of health may eliminate from the forms items that it determines are not necessary for statistical study.

(3) Each certificate or other document required by this chapter shall be on a form or in a format prescribed by the state registrar.

(4) All vital records shall contain the data required for registration. No certificate may be held to be complete and correct that does not supply all items of information called for or that does not satisfactorily account for the omission of required items.

(5) Information required in certificates or documents authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the state registrar.

NEW SECTION. Sec. 2. The department is authorized to prescribe by rule the schedule and system for electronic and hard copy transmission of certificates and documents required by this chapter.

NEW SECTION. Sec. 3. The department, in mutual agreement with a local health officer as defined in RCW 70.05.010, may authorize a local registrar to access the state-wide birth data base or death data base and to issue a certified copy of birth or death certificates from the respective state-wide electronic data bases. In such cases, the department may bill local registrars for only direct line charges associated with accessing birth and death data bases.

Sec. 4. RCW 70.58.104 and 1987 c 223 s 2 are each amended to read as follows:

(1) The state registrar may prepare typewritten, photographic, electronic, or other reproductions of records of birth, death, fetal death, marriage, or decrees of divorce, annulment, or legal separation registered under law or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate. Such reproductions, when certified by the state registrar, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

(2) The department may authorize by regulation the disclosure of information contained in vital records for research purposes. All research proposals must be submitted to the department and must be reviewed and approved as to scientific merit and to ensure that confidentiality safeguards are provided in accordance with department policy.

(3) Local registrars may, upon request, furnish certified copies of the records of birth, death, and fetal death, subject to all provisions of state law applicable to the state registrar. ~~((Local registrars in health districts or departments that have within their jurisdiction cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or have a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Local registrars of all counties or districts may, upon request, furnish certified copies of the records of birth, death, and fetal death during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. Certified copy forms used by local registrars furnishing certified copies while the original records are in their possession shall be supplied or approved by the state registrar and no other forms shall be used.))~~

NEW SECTION. Sec. 5. Sections 1 through 3 of this act are each added to chapter 70.58 RCW.

NEW SECTION. Sec. 6. RCW 70.58.200 and 1979 ex.s. c 162 s 2, 1975-'76 2nd ex.s. c 42 s 39, 1969 ex.s. c 279 s 2, 1967 c 26 s 10, 1961 ex.s. c 5 s 15, & 1945 c 159 s 6 are each repealed.

On page 1, line 1 of the title, after "statistics;" strike the remainder of the title and insert "amending RCW 70.58.104; adding new sections to chapter 70.58 RCW; and repealing RCW 70.58.200."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Belcher moved that the House do concur in the Senate amendments to Substitute House Bill No. 2056. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 2056 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2056 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

Substitute House Bill No. 2056 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.38 RCW to read as follows:

(1) The legislature recognizes that in this state ethnic minorities currently use nursing home care at a lower rate than the general population. The legislature also recognizes and supports the federal mandate that nursing homes receiving federal funds provide residents with a homelike environment. The legislature finds that certain ethnic minorities have special cultural, language, dietary, and other needs not generally met by existing nursing homes which are intended to serve the general population. Accordingly, the legislature further finds that there is a need to foster the development of nursing homes designed to serve the special cultural, language, dietary, and other needs of ethnic minorities.

(2) The department shall establish a separate pool of no more than two hundred fifty beds for nursing homes designed to serve the special needs of ethnic minorities. The pool shall be made up of nursing home beds that become available on or after March 15, 1991, due to:

- (a) Loss of license or reduction in licensed bed capacity if the beds are not otherwise obligated for replacement; or
- (b) Expiration of a certificate of need.

(3) The department shall develop procedures for the fair and efficient award of beds from the special pool. In making its decisions regarding the award of beds from the pool, the department shall consider at least the following:

(a) The relative degree to which the long-term care needs of an ethnic minority are not otherwise being met;

(b) The percentage of low-income persons who would be served by the proposed nursing home;

(c) The financial feasibility of the proposed nursing home; and

(d) The impact of the proposal on the area's total need for nursing home beds.

(4) To be eligible to apply for or receive an award of beds from the special pool, an application must be to build a new nursing home, or add beds to a nursing home, that:

(a) Will be owned and operated by a nonprofit corporation, and at least fifty percent of the board of directors of the corporation are members of the ethnic minority the nursing home is intended to serve;

(b) Will be designed, managed, and administered to serve the special cultural, language, dietary, and other needs of an ethnic minority; and

(c) Will not discriminate in admissions against persons who are not members of the ethnic minority whose special needs the nursing home is designed to serve.

(5) If a nursing home or portion of a nursing home that is built as a result of an award from the special pool is sold or leased within ten years to a party not eligible under subsection (4) of this section:

(a) The purchaser or lessee may not operate those beds as nursing home beds without first obtaining a certificate of need for new beds under this chapter; and

(b) The beds that had been awarded from the special pool shall be returned to the special pool.

(6) The department shall initially award up to one hundred beds before that number of beds are actually in the special pool, provided that the number of beds so awarded are subtracted from the total of two hundred fifty beds that can be awarded from the special pool.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "minorities;" strike the remainder of the title and insert "adding a new section to chapter 70.38 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2100. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2100 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2100 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Sommers, H. - 01.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

Engrossed Substitute House Bill No. 2100 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.
The Speaker (Mr. R. Meyers presiding) called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 81.104.010 and 1990 c 43 s 22 are each amended to read as follows:

Increasing congestion on Washington's roadways calls for identification and implementation of high capacity transportation system alternatives. "High capacity transportation system" means a system of public transportation services within an urbanized region operating principally on exclusive rights of way, and the supporting services and facilities necessary to implement such a system, including high occupancy vehicle lanes, which taken as a whole, provides a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems operating principally in general purpose ~~roadway rights-of-way~~ roadways. The legislature believes that local jurisdictions should coordinate and be responsible for high capacity transportation policy development, program planning, and implementation. The state should assist by working with local agencies on issues involving rights of way, partially financing projects meeting established state criteria including development and

completion of the high occupancy vehicle lane system, authorizing local jurisdictions to finance high capacity transportation systems through voter-approved tax options, and providing technical assistance and information.

Sec. 2. RCW 81.104.020 and 1990 c 43 s 23 are each amended to read as follows:

The department of transportation's current policy role in transit is expanded to include other high capacity transportation development as part of a multimodal transportation system.

(1) The department of transportation shall implement a program for high capacity transportation coordination, planning, and technical studies with appropriations from the high capacity transportation account.

(2) The department shall assist local jurisdictions and ~~((metropolitan))~~ regional transportation planning organizations with high capacity transportation planning efforts.

Sec. 3. RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any ~~((class-A))~~ county with a population of from two hundred ten thousand to less than one million that is not bordered by a ((class-AA)) county with a population of one million or more, and in ~~((counties of the first class and smaller))~~ each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

~~((a))~~ City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and ~~((an implementation program including a))~~ financing ((program

~~((b))~~ An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries)) plan.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or ~~((nation))~~ Canadian province.

Sec. 4. RCW 81.104.040 and 1990 c 43 s 25 are each amended to read as follows:

(1) Agencies in ~~((a class-AA))~~ each county with a population of one million or more, and in ~~((class-A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class-AA))~~ county with a population of one million or more that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation implementation program, which shall include the system plan, project plans, and ((an implementation program including)) a financing ~~((package))~~ plan. This ~~((plan))~~ program shall be in conformance with the

~~((metropolitan)) regional transportation planning organization's regional transportation plan and consistent with RCW 81.104.080.~~

~~(c) ((Interlocal agreements shall be executed within two years of March 14, 1990.))~~

The joint regional policy committee shall present a high capacity transportation system plan and ~~((local funding program))~~ financing plan to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted high capacity transportation system plan and financing ~~((program))~~ plan for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation system plan and financing ~~((program))~~ plan in any service district within each county. The implementation ~~((of the))~~ program may proceed in any service area approving the ~~((plan and program))~~ system and financing plans.

~~(2) ((If interlocal agreements have not been executed within two years from March 14, 1990, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a class AA county and in class A counties bordering a class AA county.~~

~~(a) Public notice of the conference shall occur thirty days before the date of the conference.~~

~~(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a class AA county and in class A counties bordering a class AA county and to determine the desirability of a regional approach to developing such service.~~

~~(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.~~

~~(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.~~

~~(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.~~

~~(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.~~

~~(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.~~

~~(4)) High capacity transportation ((service)) planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The~~

interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

Sec. 5. RCW 81.104.050 and 1990 c 43 s 26 are each amended to read as follows:

Regional high capacity transportation service boundaries may be expanded beyond the established service district through interlocal agreements among the transit agencies and the local jurisdictions within which such expanded service is proposed.

Sec. 6. RCW 81.104.060 and 1990 c 43 s 27 are each amended to read as follows:

(1) The state's planning role in high capacity transportation development as one element of a multimodal transportation system should facilitate cooperative state and local planning efforts.

~~((1))~~ (2) The department of transportation may serve as a contractor for high capacity transportation system and project design, administer construction, and assist agencies authorized to provide service in the acquisition, preservation, and joint use of rights of way.

~~((2))~~ (3) The department and local jurisdictions shall continue to cooperate with respect to the development of ~~((park and ride))~~ high occupancy vehicle lanes and related facilities, associated roadways, transfer stations, people mover systems developed either by the public or private sector, and other related projects.

~~((3))~~ (4) The department in cooperation with local jurisdictions shall develop policies which enhance the development of high speed ~~((intercity))~~ interregional systems by both the private and the public sector. These policies may address joint use of rights of way, identification and preservation of transportation corridors, and joint development of stations and other facilities.

Sec. 7. RCW 81.104.080 and 1990 c 43 s 29 are each amended to read as follows:

~~((Regional transportation plans should be considered in adopting local land use plans.))~~ Where applicable, regional transportation plans and local ((land use)) comprehensive plans ((should)) shall address the ((impacts of)) relationship between urban growth ((on)) and an effective high capacity transportation ((planning and development)) system plan, and provide for cooperation between local jurisdictions and transit agencies.

(1) Regional high capacity transportation plans shall be included in the designated ~~((metropolitan))~~ regional transportation planning organization's regional transportation plan review and update process to facilitate development of a coordinated multimodal transportation system and to meet federal funding requirements.

(2) ~~((The state and local jurisdictions))~~ Interlocal agreements between transit authorities, cities, and counties shall ((cooperate in encouraging)) set forth conditions for assuring land uses compatible with development of high capacity transportation systems. These include developing sufficient land use densities through local actions in high capacity transportation corridors and near passenger stations, preserving transit rights of way, and protecting the region's environmental quality. The implementation program for high capacity transportation systems shall favor cities and counties with supportive land use plans. In developing local actions intended to carry out these policies ((local governments)) cities and counties shall insure the opportunity for public comment and participation in the siting of such facilities, including stations or transfer facilities. Agencies providing high capacity transportation services, in cooperation with public and private interests, shall promote transit-compatible land uses and development which includes joint development.

(3) Interlocal agreements shall be consistent with state planning goals as set forth in chapter 36.70A RCW. Agreements shall also include plans for concentrated employment centers, mixed-use development, and housing densities that support high capacity transportation systems.

(4) Agencies providing high capacity transportation service and other transit agencies shall develop a cooperative process for the planning, development, operations, and funding of feeder transportation systems. Feeder systems may include existing and

future intercity passenger systems and alternative technology people mover systems which may be developed by the private or public sector.

~~((4 Jurisdictions, working through))~~ (5) Cities and counties along corridors designated in a high capacity transportation system plan shall enter into agreements with their designated ((metropolitan) regional transportation planning organizations, ((shall manage)) for the purpose of participating in a right of way preservation review process which includes activities to promote the preservation of the high capacity transportation rights of way. The regional transportation planning organization shall serve as the coordinator of the review process.

(a) ~~((Jurisdictions))~~ Cities and counties shall forward all development proposals for projects within and adjoining to the rights of way proposed for preservation to the designated ((metropolitan) regional transportation planning organizations, which shall distribute the proposals for ((local and regional agency)) review by parties to the right of way preservation review process.

(b) The ~~((metropolitan))~~ regional transportation planning organizations shall also review proposals for conformance with the regional transportation plan and associated regional development strategies. The designated ((metropolitan)) regional transportation planning organization shall within ninety days compile local and regional agency comments and communicate the same to the originating jurisdiction and the joint regional policy committee ((or, if established, a regional high capacity transportation authority)).

Sec. 8. RCW 81.104.090 and 1990 c 43 s 30 are each amended to read as follows:

The department of transportation shall ~~((, upon dissolution of the rail development commission, assume responsibility))~~ be responsible for distributing amounts appropriated from the high capacity transportation account and shall prioritize funding requests based on criteria in subsection (3) of this section.

(1) The department shall establish an advisory council of policy and technical experts pursuant to RCW 47.01.091 to assist in the review of requests for high capacity transportation account funds. The council shall be comprised of one representative from each congressional district, a designee of the governor, the executive director or a designee of the transportation improvement board, the director of the Washington state transportation center, and the chair or designee of the legislative transportation committee.

(2) State high capacity transportation account funds may provide up to eighty percent matching assistance for high capacity transportation planning efforts ~~((and for support of interim regional high capacity transportation authorities)).~~

(3) Authorizations for state funding for high capacity transportation planning projects shall be subject to the following criteria:

(a) Conformance with the designated ~~((metropolitan))~~ regional transportation planning organization's regional transportation plan;

(b) Local matching funds;

(c) Demonstration of projected improvement in regional mobility;

(d) Conformance with planning requirements prescribed in RCW 81.104.100, and if five hundred thousand dollars or more in state funding is requested, conformance with the requirements of RCW 81.104.110; and

(e) ~~((i))~~ Establishment, through interlocal agreements, of a joint regional policy committee ((with proportional representation based upon population distribution within each agency's designated service area)) as defined in RCW 81.104.030((;

~~((ii))~~ Establishment of a demonstrated regional agreement through a multijurisdictional conference to pursue high capacity transportation development on a subregional basis through established transit planning and operating agencies as defined in RCW 81.104.040; or

~~((iii))~~ Establishment, through a multijurisdictional conference, of an interim high capacity transportation authority as defined in RCW) or 81.104.040.

(4) The department of transportation shall provide general review and monitoring of the system and project planning process prescribed in RCW 81.104.100.

Sec. 9. RCW 81.104.100 and 1990 c 43 s 31 are each amended to read as follows:

To assure ~~((the adoption))~~ development of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) ~~((System))~~ Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its ~~((metropolitan))~~ regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The ~~((system planning))~~ process provides a comprehensive view of the region's transportation needs but does not select ~~((a))~~ specified modes to serve those needs. ~~((System planning))~~ The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) ~~((a) Project))~~ High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including ~~((i))~~: Do nothing, ~~((ii))~~ low capital, and ~~((iii))~~ ranges of higher capital facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

~~((b) Project))~~ High capacity transportation system planning shall proceed as follows:

~~((i))~~ (a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the ~~((project))~~ system planning process.

~~((ii))~~ (b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

~~((iii))~~ (c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

~~((iv) Study of options.))~~ (d) The system plan submitted to the voters pursuant to RCW 81.04.140 shall address, but is not limited to the following issues:

(i) Identification of level and types of high capacity transportation services to be provided;

(ii) A plan of high occupancy vehicle lanes to be constructed;

(iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;

(iv) Performance characteristics of technologies in the system plan;

(v) Patronage forecasts;

(vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost of service for each individual high capacity line; and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities, high occupancy vehicle facilities, and expanded local/feeder service;

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall ((use the methods described in (iii) of this subsection to)) analyze and produce ((impact)) information needed for ((project evaluation and for)) the preparation of ((an)) environmental impact statements. The impact ((evaluation)) statements shall address the impact that development of such a ((project)) system will have on abutting or nearby ((residential or commercial)) property owners. The process of identification of ((corridors)) alignments and station locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

~~((v) Review and monitor. The department of transportation shall provide project review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.~~

~~((vi) Detailed planning process.)) In order to increase the likelihood of future federal funding, the ((system and)) project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.~~

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

Sec. 10. RCW 81.104.110 and 1990 c 43 s 32 are each amended to read as follows:

The legislature recognizes that the planning ((process)) processes described in RCW 81.104.100 provide((s)) a recognized framework for guiding high capacity transportation studies. However, the process cannot guarantee appropriate ((transit)) decisions unless key study assumptions are reasonable.

To assure appropriate ((project)) system plan assumptions and to provide for review of ((project)) system plan results, ~~((the department of transportation shall develop independent oversight procedures which are appropriate to the scope of any project for which high capacity transportation account funds are requested.))~~ an expert review panel shall be appointed to provide independent technical review for development of any ((project)) system plan which is to be funded in whole or in part by the imposition of any voter-approved local option funding sources enumerated in RCW 81.104.140.

(1) The expert review panel shall consist of ten members who are recognized experts in relevant fields, such as transit operations, planning, emerging transportation technologies, engineering, finance, law, the environment, geography, economics, and political science.

(2) The expert review panel shall be selected cooperatively by the chair of the legislative transportation committee, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(3) The chair of the expert review panel shall be designated by the appointing ~~((body))~~ authorities.

(4) The expert review panel shall serve without compensation but shall be reimbursed for expenses according to chapter 43.03 RCW.

(5) The panel shall carry out the duties set forth in subsections (6) and (7) of this section until the date on which an election is held to consider the high capacity transportation system and financing plans. Funds appropriated for expenses of the expert panel shall be administered by the department of transportation.

(6) The expert panel shall review all reports required in RCW 81.104.100(2)~~((b)(vi) but))~~ and shall concentrate on service modes and concepts, costs, patronage~~((s))~~ and financing~~((, and project))~~ evaluations.

(7) The expert panel shall provide timely reviews and comments on individual ~~((project))~~ reports and study conclusions to the governor, the legislative transportation committee, the department of transportation, the regional transportation planning organization, the joint regional policy committee, and the submitting lead transit agency.

(8) The legislative transportation committee shall contract for consulting services for expert review panels. The amount of consultant support shall be negotiated with each expert review panel by the legislative transportation committee and shall be paid from appropriations for that purpose from the high capacity transportation account.

Sec. 11. RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties))~~ (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection.

(2) Agencies ~~((providing))~~ planning to construct and operate a high capacity transportation ((service)) system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements ~~((or a conference approved interim regional rail authority or subregional process as defined in RCW 81.104.040))~~ are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection ~~((8))~~ (10) of this section. Before ~~((an agency may))~~ the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, ((#)) the agency must comply with the process prescribed in RCW 81.104.100(1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies ~~((providing))~~ planning to construct and operate high capacity transportation ((service)) systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems, commuter rail systems, and feeder transportation systems.

Sec. 12. RCW 81.104.160 and 1990 c 43 s 42 are each amended to read as follows:

Any city that operates a transit system, county transportation authority, metropolitan municipal corporation, or public transportation benefit area, solely for the purpose of providing high capacity transportation service may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of such city, county transportation authority, metropolitan municipal corporation, or public transportation benefit area. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. ~~((This authority may be exercised only if all local agencies which are parties to an interlocal agreement or members of a regional authority under RCW 81.104.040 are imposing the tax at the same rate.))~~ This rate shall not apply to vehicles licensed under RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Sec. 13. RCW 82.80.020 and 1990 c 42 s 206 are each amended to read as follows:

(1) The legislative authority of a county may fix and impose an additional fee, not to exceed fifteen dollars per vehicle, for each vehicle that is subject to license fees under RCW 46.16.060 and is determined by the department of licensing to be registered within the boundaries of the county.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(3) The proceeds of this fee shall be used strictly for transportation purposes in accordance with RCW 82.80.070.

(4) A county imposing this fee shall delay the effective date at least six months from the date the ordinance is enacted to allow the department of licensing to implement administration and collection of the fee.

(5) The legislative authority of a county may develop and initiate a refund process of the fifteen dollar fee to the registered owners of vehicles residing within the boundaries of the county who are sixty-one years old or older at the time of payment of the fee and whose household income for the previous calendar year is eighteen thousand dollars or less or who has a physical disability and who has paid the fifteen dollar additional fee.

NEW SECTION. Sec. 14. The legislature recognizes that certain communities have important cultural, economic, or transportation linkages to communities in other counties. Many public services can most efficiently be delivered from public agencies located in counties other than the county within which the community is located. It is the intent of the legislature by enacting sections 14 through 16 of this act to further more effective public transportation linkages between communities, regardless of county association, in order to better serve state citizen needs.

Sec. 15. RCW 36.57A.040 and 1983 c 65 s 2 are each amended to read as follows:

At the time of its formation no public transportation benefit area may include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such area. Notwithstanding any other provision of law, if subsequent to the formation of a public transportation benefit area additional area became or will become a part of a component city by annexation, merger, or otherwise, the additional area shall be included within the boundaries of the transportation benefit area and be subject to all taxes and other liabilities and obligations of the public transportation benefit area. The component city shall be required to notify the public transportation benefit area at the time the city has added the additional area. Furthermore, notwithstanding any other provisions of law, if a city that is not a component city of the public transportation benefit area adds area to its boundaries that is within the boundaries of the public transportation benefit area, the area so added shall be deemed to be excluded from the public transportation benefit area: **PROVIDED**, That the public transportation benefit area shall be given notice of the city's intention to add such area.

The boundaries of any public transportation benefit area shall follow school district lines or election precinct lines, as far as practicable. Only such areas shall be included which the conference determines could reasonably benefit from the provision of public transportation services. Except as provided in RCW 36.57A.140(2), only one public transportation benefit area may be created in any county.

Sec. 16. RCW 36.57A.055 and 1983 c 65 s 4 are each amended to read as follows:

After a public transportation benefit area has been in existence for four years, members of the county legislative authority and the elected representative of each city within the boundaries of the public transportation benefit area shall review the composition of the governing body of the benefit area and change the composition of the governing body if the change is deemed appropriate. The review shall be at a meeting of the designated representatives of the component county and cities, and the majority of

those present shall constitute a quorum at such meeting. Twenty days notice of the meeting shall be given by the chief administrative officer of the public transportation benefit area authority. After the initial review, a review shall be held every four years.

If an area having a population greater than fifteen percent, or areas with a combined population of greater than twenty-five percent of the population of the existing public transportation benefit area as constituted at the last review meeting, annex to the public transportation benefit area, or if an area is added under RCW 36.57A.140(2), the representatives of the component county and cities shall meet within ninety days to review and change the composition of the governing body, if the change is deemed appropriate. This meeting is in addition to the regular four-year review meeting and shall be conducted pursuant to the same notice requirement and quorum provisions of the regular review.

Sec. 17. RCW 36.57A.140 and 1983 c 65 s 5 are each amended to read as follows:

(1) An election to authorize the annexation of territory contiguous to a public transportation benefit area may be called within the area to be annexed pursuant to resolution or petition in the following manner:

(a) By resolution of a public transportation benefit area authority when it determines that the best interests and general welfare of the public transportation benefit area would be served. The authority shall consider the question of areas to be annexed to the public transportation benefit area at least once every two years.

(b) By petition calling for such an election signed by at least four percent of the qualified voters residing within the area to be annexed and filed with the auditor of the county wherein the largest portion of the public transportation benefit area is located, and notice thereof shall be given to the authority. Upon receipt of such a petition, the auditor shall examine it and certify to the sufficiency of the signatures thereon.

(c) By resolution of a public transportation benefit area authority upon request of any city for annexation thereto.

(2) If the area proposed to be annexed is located within another county, the petition or resolution for annexation as set forth in subsection (1) of this section must be approved by the legislative authority of the county if the area is unincorporated or by the legislative authority of the city or town if the area is incorporated. Any annexation under this subsection must involve contiguous areas.

(3) The resolution or petition shall describe the boundaries of the area to be annexed. It shall require that there also be submitted to the electorate of the territory sought to be annexed a proposition authorizing the inclusion of the area within the public transportation benefit area and authorizing the imposition of such taxes authorized by law to be collected by the authority.

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 81.104.010, 81.104.020, 81.104.030, 81.104.040, 81.104.050, 81.104.060, 81.104.080, 81.104.090, 81.104.100, 81.104.110, 81.104.140, 81.104.160, 82.80.020, 36.57A.040, 36.57A.055, and 36.57A.140; and creating a new section." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2151. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2151 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2151 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

Engrossed Substitute House Bill No. 2151 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1991

Mr. Speaker:

On motion, the Senate reconsidered the vote by which the amendments to SUBSTITUTE HOUSE BILL NO. 1326 on page 2, line 27, and page 3, line 4 were adopted, and the amendments were not adopted. Under suspension of rules, the bill was passed with the following amendment(s):

On page 2, line 27, after "actual" insert "or" and after "costs" insert "whichever is less"

On page 3, line 4, after "actual" insert "or" and after "costs" insert "whichever is less"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to Substitute House Bill No. 1326. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1326 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1326 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Beck, Grant, O'Brien, Wood - 04.

Substitute House Bill No. 1326 as amended by the Senate, having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 91-4690, by Representatives Ogden, Wood, Pruitt, Riley, Roland, Morris, Franklin, Casada, Forner, Moyer, Hochstatter, Rust, Prentice, Jacobsen, Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, G. Fisher, R. Fisher, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, P. Johnson, R. Johnson, Jones, J. King, R. King, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, R. Meyers, Mielke, Miller, Mitchell, Morton, H. Myers, Nealey, Neher, Nelson, O'Brien, Orr, Padden, Paris, Peery, Phillips, Prince, Rasmussen, Rayburn, Schmidt, Scott, Sheldon, Silver, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne and Zellinsky

WHEREAS, Fifty-six percent of the adults in the State of Washington unselfishly volunteer an average of at least two hours of their time each week to improve the quality of life in their communities; and

WHEREAS, Thousands of volunteers of all ages and all walks of life contribute their skills, resources, and energy free of charge in medical, religious, cultural, environmental, and other areas of service throughout the state; and

WHEREAS, Volunteers are essential partners with government and industry in providing services; and

WHEREAS, Our education system benefits from volunteers who tutor, monitor, and contribute many other services to enhance the learning environment for students of all ages, especially our young people; and

WHEREAS, In health care and other social and human services, volunteers provide important and compassionate assistance as crisis intervention counselors, candy strippers, foster parents, and community food bank workers, and in a multitude of other ways; and

WHEREAS, In the libraries and museums of our state, volunteers are involved at all levels to assure responsive, enlightened services, displays, and collections, and our programs of dance, music, and art rely heavily on volunteer labor, fund raising, and management; and

WHEREAS, Volunteers across the state have dedicated themselves to protecting and enhancing our environment and natural resources, with volunteer services enabling state and local parks and recreation districts to enrich the lives of millions at very low cost; and

WHEREAS, Senior citizens who contribute their talents, experience, and skills in volunteer efforts are giving a special gift to the people of this state by providing a vital link between generations; and

WHEREAS, It is essential that citizens take active roles in their communities so that problems are addressed effectively, communities prosper, and all people, including families and children in difficult circumstances, are afforded lives of quality; and

WHEREAS, The volunteers who give of their time and of themselves to improve the quality of life of others set an example for us all and deserve special recognition;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives declare April 21-27, 1991, to be Volunteer Recognition Week in the State of Washington, and encourage all citizens to take note of the efforts of volunteers and offer appropriate thanks for a remarkable job well done.

Ms. Ogden moved adoption of the resolution. Representatives Ogden, Moyer, Cole, Wynne, Jones, Casada, Rasmussen, Ferguson and Edmondson spoke in favor of the resolution.

On motion of Ms. Rasmussen, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Resolution No. 91-4690 was adopted.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker (Mr. R. Meyers presiding) called the House to order.

Representatives Beck and O'Brien appeared at the bar of the House.

MESSAGES FROM THE SENATE

April 24, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED HOUSE BILL NO. 1352. The President has appointed the following members as Conferees: Senators Matson, Skratek and Anderson.

W. D. Naismith, Deputy Secretary.

April 24, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1704. The President has appointed the following members as Conferees: Senators von Reichbauer, Madsen and Oke.

W. D. Naismith, Deputy Secretary.

April 24, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877. The President has appointed the following members as Conferees: Senators Anderson, Snyder and Metcalf.

W. D. Naismith, Deputy Secretary.

April 24, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938. The President has appointed the following members as Conferees: Senators Thorsness, Snyder and Craswell.

W. D. Naismith, Deputy Secretary.

April 24, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1954. The President has appointed the following members as Conferees: Senators Barr, Hansen and Newhouse.

W. D. Naismith, Deputy Secretary.

April 24, 1991

Mr. Speaker:

The Senate has receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1243 on page 3, line 2, and passed the bill with the remaining amendment(s) to page 2, lines 7 and 24 in which the House concurred, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 24, 1991

Mr. Speaker:

The Senate has receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1317, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 24, 1991

Mr. Speaker:

The Senate has receded from its amendment(s) to HOUSE BILL NO. 1757, and passed the bill without said amendments, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 24, 1991

Mr. Speaker:

The Senate concurred in the House amendment(s) and passed the following bill as amended by the House:

SENATE BILL NO. 5442.

W. D. Naismith, Deputy Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1709 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The responsibility for ensuring that the citizens of this state have a safe and reliable drinking water supply is shared between local government and state government, and is the obligation of every public water system;

(2) A rapid increase in the number of public water systems supplying drinking water to the citizens of this state has significantly increased the burden on both local and state government to monitor and enforce compliance by these systems with state laws that govern planning, design, construction, operation, maintenance, financing, management, and emergency response;

(3) The federal safe drinking water act imposes on state and local governments and the public water systems of this state significant new responsibilities for monitoring, testing, and treating drinking water supplies; and

(4) Existing drinking water programs at both the state and local government level need additional authorities to enable them to more comprehensively and systematically address the needs of the public water systems of this state and assure that the public health and safety of its citizens are protected.

Therefore, annual operating permit requirements shall be established in accordance with this chapter. The operating permit requirements shall be administered by the department and shall be used as a means to assure that public water systems provide safe and reliable drinking water to the public. The department and local government shall conduct comprehensive and systematic evaluations to assess the adequacy and financial viability of public water systems. The department may impose permit conditions,

requirements for system improvements, and compliance schedules in order to carry out the purpose of this act.

Sec. 2. RCW 70.119A.020 and 1991 c 3 s 370 are each amended to read as follows:

Unless the context clearly requires otherwise, the following definitions apply throughout this chapter:

- (1) "Department" means the department of health.
- (2) "Local board of health" means the city, town, county, or district board of health.
- (3) "Local health jurisdiction" means an entity created under chapter 70.05, 70.08, or 70.46 RCW which provides public health services to persons within the area.
- (4) "Public water system" means any system, excluding a system serving only one single-family residence(~~(, which provides piped water for human consumption))~~ and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with the system; and collection or pretreatment storage facilities not under control of the purveyor but primarily used in connection with the system, including:
 - (a) Any collection, treatment, storage, and distribution facilities under control of the purveyor and used primarily in connection with such system; and
 - (b) Any collection or pretreatment storage facilities not under control of the purveyor which are primarily used in connection with such system.
- (5) "Order" means a written direction to comply with a provision of the regulations adopted under RCW 43.20.050(2)(a) or 70.119.050 or to take an action or a series of actions to comply with the regulations.
- (6) "Purveyor" means any agency or subdivision of the state or any municipal corporation, firm, company, mutual, or cooperative association, institution, partnership, or person or any other entity, that owns or operates a public water system. It also means the authorized agents of any such entities.
- (7) "Regulations" means rules adopted to carry out the purposes of this chapter.
- (8) "Federal safe drinking water act" means the federal safe drinking water act, 42 U.S.C. Sec. 300f et seq., as now in effect or hereafter amended.
- (9) "Local health officer" means the legally qualified physician who has been appointed as the health officer for the city, town, county, or district public health department.
- (10) "Person" includes, but is not limited to, natural persons, municipal corporations, governmental agencies, firms, companies, mutual or cooperative associations, institutions, and partnerships. It also means the authorized agents of any such entities.
- (11) "Public health emergency" means a declaration by an authorized health official of a situation in which either illness, or exposure known to cause illness, is occurring or is imminent.
- (12) "Secretary" means the secretary of the department of health.
- (13) "State board of health" is the board created by RCW 43.20.030.

Sec. 3. RCW 70.119A.030 and 1989 c 422 s 6 are each amended to read as follows:

- (1) The secretary or his or her designee or the local health officer may declare a public health emergency. As limited by RCW 70.119A.040, the department may impose penalties for violations of laws or regulations that are determined to be a public health emergency.
- (2) As limited by RCW 70.119A.040, the department may impose penalties for failure to comply with an order of the department, or of an authorized local board of health, when the order:
 - (a) Directs any person to stop work on the construction or alteration of a public water system when plans and specifications for the construction or alteration have not

been approved as required by the regulations, or when the work is not being done in conformity with approved plans and specifications;

(b) Requires any person to eliminate a cross-connection to a public water system by a specified time; or

(c) Requires any person to cease violating any regulation relating to public water systems, ((e)) to take specific actions within a specified time to place a public water system in compliance with regulations adopted under chapters 43.20 and 70.119 RCW, to apply for an operating permit as required under section 5 of this act or to comply with any conditions or requirements imposed as part of an operating permit.

Sec. 4. RCW 70.119A.060 and 1990 c 132 s 4 are each amended to read as follows:

(1) In order to assure safe and reliable public drinking water and to protect the public health, public water systems shall:

(a) Protect the water sources used for drinking water;

(b) Provide treatment adequate to assure that the public health is protected;

(c) Provide and effectively operate and maintain public water system facilities;

(d) Plan for future growth and assure the availability of safe and reliable drinking water;

(e) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and

(f) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.

(2) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2)(a) and other rules adopted by the department relating to public water systems.

NEW SECTION. Sec. 5. (1) No person may operate a group A public water system unless the person first submits an application to the department and receives an operating permit as provided in this section. A new application must be submitted upon any change in ownership of the system. Any person operating a public water system on the effective date of this section may continue to operate the system until the department takes final action, including any time necessary for a hearing under subsection (3) of this section, on a permit application submitted by the person operating the system under the rules adopted by the department to implement this section.

(2) The department may require that each application include the information that is reasonable and necessary to determine that the system complies with applicable standards and requirements of the federal safe drinking water act, state law, and rules adopted by the department or by the state board of health.

(3) Following its review of the application, its supporting material, and any information received by the department in its investigation of the application, the department shall issue or deny the operating permit. The department shall act on initial permit applications as expeditiously as possible, and shall in all cases either grant or deny the application within one hundred twenty days of receipt of the application or of any supplemental information required to complete the application. The applicant for a permit shall be entitled to file an appeal in accordance with chapter 34.05 RCW if the department denies the initial or subsequent applications or imposes conditions or requirements upon the operator. Any operator of a public water system that requests a hearing may continue to operate the system until a decision is issued after the hearing.

(4) At the time of initial permit application or at the time of permit renewal the department may impose such permit conditions, requirements for system improvements, and compliance schedules as it determines are reasonable and necessary to ensure that the system will provide a safe and reliable water supply to its users.

(5) Operating permits shall be issued for a term of one year, and shall be renewed annually, unless the operator fails to apply for a new permit or the department finds good cause to deny the application for renewal.

(6) Each application shall be accompanied by an annual fee as follows:

(a) The annual fee for public water supply systems serving fifteen to forty-nine service connections shall be twenty-five dollars.

(b) The annual fee for public water supply systems serving fifty to three thousand three hundred thirty-three service connections shall be based on a uniform per service connection fee of one dollar and fifty cents per service connection.

(c) The annual fee for public water supply systems serving three thousand three hundred thirty-four to fifty-three thousand three hundred thirty-three service connections shall be based on a uniform per service connection fee of one dollar and fifty cents per service connection plus ten cents for each service connection in excess of three thousand three hundred thirty-three service connections.

(d) The annual fee for public water supply systems serving fifty-three thousand three hundred thirty-four or more service connections shall be ten thousand dollars.

(e) In addition to the fees under (a) through (d) of this subsection, the department may charge an additional one-time fee of five dollars for each service connection in a new water system.

(7) The department may phase-in the implementation for any group of systems provided the schedule for implementation is established by rule. Prior to implementing the operating permit requirement on water systems having less than five hundred service connections, the department shall form a committee composed of persons operating these systems. The committee shall be composed of the department of health, two operators of water systems having under one hundred connections, two operators of water systems having between one hundred and two hundred service connections, two operators of water systems having between two hundred and three hundred service connections, two operators of water systems having between three hundred and four hundred service connections, two operators of water systems having between four hundred and five hundred service connections, and two county public health officials. The members shall be chosen from different geographic regions of the state. This committee shall develop draft rules to implement this section. The draft rules will then be subject to the rule-making procedures in accordance with chapter 34.05 RCW.

(8) The department shall notify existing public water systems of the requirements of RCW 70.119A.030, 70.119A.060, and this section at least one hundred twenty days prior to the date that an application for a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and this section.

(9) The department shall issue one operating permit to any approved satellite system management agency. Operating permit fees for approved satellite system management agencies shall be one dollar per connection per year for the total number of connections under the management of the approved satellite agency. The department shall define by rule the meaning of the term "satellite system management agency." If a statutory definition of this term exists, then the department shall adopt by rule a definition consistent with the statutory definition.

(10) For purposes of this section, "group A public water system" and "system" mean those water systems with fifteen or more service connections, regardless of the number of people; or a system serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

NEW SECTION. Sec. 6. The safe drinking water account is created in the general fund of the state treasury. All receipts from the operating permit fees required to be paid under section 5 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by

the department of health to carry out the purposes of this act and to carry out contracts with local governments in accordance with this chapter.

NEW SECTION. Sec. 7. Until July 1, 1996, local governments shall be prohibited from administering a separate operating permit requirement for public water systems. After July 1, 1996, local governments may establish separate operating permit requirements for public water systems provided the operating permit requirements have been approved by the department. The department shall not approve local operating permit requirements unless the local system will result in an increased level of service to the public water system. There shall not be duplicate operating permit requirements imposed by local governments and the department.

NEW SECTION. Sec. 8. The department shall adopt rules necessary to implement sections 5 through 7 of this act. The requirements of this act shall take effect upon adoption of rules pursuant to this act.

NEW SECTION. Sec. 9. Sections 5 through 7 of this act are each added to chapter 70.119A RCW.

On page 1, line 1 of the title, after "permits;" strike the remainder of the title and insert "amending RCW 70.119A.020, 70.119A.030, and 70.119A.060; adding new sections to chapter 70.119A RCW; and creating new sections." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Substitute House Bill No. 1709. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1709 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1709 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Brough, Fuhrman, Lisk - 03.

Excused: Representatives Grant, Wood - 02.

Substitute House Bill No. 1709 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I

GENERAL PROVISIONS"

Sec. 101. 1990 c 116 s 1 (uncodified) is amended to read as follows:

(1) The legislature ((finds)) declares that the increasing reliance on water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Each year billions of gallons of crude oil and refined petroleum products are transported by vessel on the navigable waters of the state. These shipments are expected to increase in the coming years. Vessels transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to assure the citizens of the state that the waters of the state ((used for water borne transportation)) will be protected from oil spills. ((The legislature declares that this act is the first step in developing a comprehensive approach to protecting this important and unique resource by developing a set of procedures to respond to spills of oil and hazardous substances into the state's waters.))

(2) The legislature ((also)) finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is in the early stages of development. Preventing spills is more protective of the environment and more cost-effective when all the costs associated with responding to a spill are considered. ((The legislature declares that it will continue to develop this first step in a comprehensive approach to protecting our unique and special marine environment by adopting measures in future sessions of the legislature to reduce the likelihood that a spill of oil or hazardous substances will occur.))

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill; and

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for an independent oversight board to review the adequacy of spill prevention and response activities in this state; and

(h) To provide an adequate funding source for state response and prevention programs.

Sec. 102. RCW 90.48.315 and 1990 c 116 s 2 are each amended to read as follows:

For purposes of ~~((RCW 90.48.315 through 90.48.410, 78.52.020, 78.52.125, 82.36.330, 90.48.903, 90.48.906, and 90.48.907))~~ this chapter, the following definitions shall apply unless the context indicates otherwise:

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this 1991 act.

(2) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(3) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(4) "Board" ((shall)) means the pollution control hearing board.

~~((2))~~ (5) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, ((of)) greater than three hundred or more gross tons ((or more)), including but not limited to, commercial fish processing vessels and freighters.

~~((3))~~ (6) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(7) "Committee" ((shall)) means the preassessment screening committee established under RCW 90.48.368.

~~((4))~~ (8) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

~~((5))~~ (9) "Department" ((shall)) means the department of ecology.

~~((6))~~ (10) "Director" ((shall)) means the director of the department of ecology.

~~((7))~~ (11) "Discharge" ((shall)) means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

~~((8))~~ (12)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that ((receives)) transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk ((and is capable of storing ten thousand or more gallons of oil)).

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock ((used to transport)) while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) a motor vehicle motor fuel outlet; (iv) a facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel; in a single transaction.

~~((9))~~ (13) "Fund" ~~((shall))~~ means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

~~((10))~~ (14) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

~~((11))~~ "Maximum probable spill" means the maximum probable spill for a vessel operating in state waters considering the history of spills of vessels of the same class operating on the west coast of the United States, Alaska, and British Columbia.

~~(12))~~ (15) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(16) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

~~((13))~~ (17) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

~~((14))~~ (18) "Oil" or "oils" ~~((shall))~~ means ~~((oil))~~ naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including ((gasoline)), but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, ((lubricating oil,)) oil sludge, oil refuse, ((liquid natural gas, propane, butane, oils distilled from coal, and other liquid hydrocarbons regardless of specific gravity, or any other petroleum related product)) and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

~~((15))~~ (19) "Offshore facility" means any facility, as defined in subsection (12) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(20) "Onshore facility" means any facility, as defined in subsection (12) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(21)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(22) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

((16)) (23) "Person" ((shall)) means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever ((and any owner, operator, master, officer, or employee of a ship)).

((17)) (24) "Ship" ((shall)) means any boat, ship, vessel, barge, or other floating craft of any kind.

((18)) (25) "Spill" means ((*) an unauthorized discharge of oil or hazardous substances into the waters of the state.

((19)) (26) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

((20)) (27) "Technical feasibility" or "technically feasible" shall mean that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource prior to the injury.

((21)) (28) "Waters of the state" ((shall)) includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

((22)) (29) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of ((a-tank)) the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 103. DIRECTOR RESPONSIBLE FOR SPILL RESPONSE.

Except as otherwise specifically provided in this chapter or other law, the director has the primary authority, in conformance with the state-wide master oil and hazardous substance spill prevention and contingency plan adopted pursuant to RCW 90.48.378 as recodified by this act and any applicable contingency plans prepared pursuant to this chapter and chapter 88.--RCW (sections 414 through 436 of this act), to oversee prevention, abatement, response, containment, and cleanup efforts with regard to any oil or hazardous substance spill in the navigable waters of the state. The director is the head of the state incident command system in response to a spill of oil or hazardous substances and shall coordinate the response efforts of all state agencies and local emergency response personnel. If a discharge of oil or hazardous substances is subject to the national contingency plan, in responding to the discharge, the director shall to the greatest extent practicable act in accordance with the national contingency plan and cooperate with the federal on-scene coordinator or other federal agency or official exercising authority under the national contingency plan.

Sec. 104. RCW 90.48.370 and 1971 ex.s. c 180 s 2 are each amended to read as follows:

The powers, duties, and functions conferred by ((RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907)) this chapter shall be exercised by the department of ecology and shall be deemed an essential government function in the exercise of the police power of the state. Such powers, duties, and functions of the department ((and those conferred by RCW 90.48.315 through 90.48.365)) shall extend to all waters ((within the boundaries)) under the jurisdiction of the state.

Sec. 105. RCW 90.48.365 and 1987 c 109 s 153 are each amended to read as follows:

~~((RCW 90.48.315 through 90.48.365 shall))~~ This chapter grants authority to the department which is supplemental to and in no way reduces or otherwise modifies the powers ~~((heretofore))~~ granted to the department ~~((, except as it may directly conflict therewith))~~ by other statutes.

Sec. 106. RCW 90.48.380 and 1971 ex.s. c 180 s 3 are each amended to read as follows:

The department may adopt rules ~~((and regulations))~~ including but not limited to the following matters:

(1) Procedures and methods of reporting discharges and other occurrences prohibited by ~~((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter;

(2) Procedures, methods, means, and equipment to be used by persons subject to regulation by ~~((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter and such rules ~~((and regulations))~~ may prescribe the times, places, and methods of transfer of oil;

(3) Coordination of procedures, methods, means, and equipment to be used in the removal of oil ~~((pollutants));~~

(4) Development and implementation of criteria and plans to meet oil ~~((pollution occurrences))~~ spills of various kinds and degrees;

(5) ~~((The establishment from time to time of control districts comprising sections of the state coast and the establishment of rules and regulations to meet the particular requirements of each such district;~~

~~((6))~~ When and under what circumstances, if any, chemical agents, such as coagulants, dispersants, and bioremediation, may be used in response to an oil spill;

~~((6))~~ The disposal of oil recovered from a spill; and

(7) Such other rules and regulations as the exigencies of any condition may require or such as may be reasonably necessary to carry out the intent of ~~((RCW 90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907))~~ this chapter.

Sec. 107. RCW 90.48.378 and 1990 c 116 s 10 are each amended to read as follows:

(1) ~~((Not later than July 1, 1991,))~~ The department shall prepare and ~~((thereafter))~~ annually update a state-wide master oil and hazardous substance spill prevention and contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including the office of marine safety, the United States coast guard, the federal environmental protection agency, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill prevention and contingency plans approved or submitted for approval pursuant to ~~((RCW 90.48.371))~~ this chapter and chapter 88.-- RCW (sections 414 through 436 of this 1991 act) and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a ~~((catastrophic oil))~~ worst case spill ~~((or of a significant spill))~~ of ~~((a))~~ oil or hazardous substances into the environment of the state: (i) State agencies; (ii) local

governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of (~~catastrophic oil~~) spills (~~and significant spills~~) of oil and hazardous substances; (~~and~~)

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills; and

(f) Establish an incident command system for responding to oil and hazardous substances spills.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, provincial, municipal, and community officials, other state agencies, the state of Oregon, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1 of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by RCW 90.48.374 as recodified by this 1991 act to test the sufficiency of oil spill contingency plans approved under RCW 90.48.371 as recodified by this 1991 act.

NEW SECTION. Sec. 108. COORDINATION WITH FEDERAL LAW. In carrying out the purposes of this chapter, including the adoption of rules for contingency plans, the department shall to the greatest extent practicable implement this chapter in a manner consistent with federal law.

NEW SECTION. Sec. 109. HAZARDOUS SUBSTANCES INCIDENT RESPONSE TRAINING AND EDUCATION PROGRAM. Not later than twelve months after the effective date of this section, the division of fire protection services shall establish and manage the Washington oil and hazardous substances incident response training and education program to provide approved classes in hazardous substance response, taught by trained instructors. To carry out this program, the division of fire protection services shall:

(1) Adopt rules necessary to implement the program;

(2) Establish a training and education program by developing the curriculum to be used in the program in colleges, academies, and other educational institutions;

(3) Provide training to local oil and hazardous materials emergency response personnel; and

(4) Establish and collect admission fees and other fees that may be necessary to the program.

NEW SECTION. Sec. 110. SMALL SPILL PREVENTION EDUCATION PROGRAM. (1) The Washington sea grant program, in consultation with the department, shall develop and conduct a voluntary spill prevention education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. Washington sea grant shall coordinate the spill prevention education program with recreational boater education performed by the state parks and recreation commission.

(2) The spill prevention education program shall illustrate ways to reduce oil contamination of bilge water, accidental spills of hydraulic fluid and other hazardous substances during routine maintenance, and reduce spillage during refueling. The program shall illustrate proper disposal of oil and hazardous substances and promote strategies to meet shoreside oil and hazardous substance handling, and disposal needs of the targeted groups. The program shall include a series of training workshops and the development of educational materials.

"PART II
FACILITY PLANS"

NEW SECTION. Sec. 201. PREVENTION PLANS. (1) The owner or operator for each onshore and offshore facility shall prepare and submit to the department an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the department in the time and manner directed by the department, but not later than January 1, 1993. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to RCW 90.48.371 as recodified by this act. The department may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The department, by rule, shall establish standards for spill prevention plans. The rules shall be adopted not later than July 1, 1992.

(2) The spill prevention plan for an onshore or offshore facility shall:

(a) Establish compliance with the federal oil pollution act of 1990, if applicable, and financial responsibility requirements under federal and state law;

(b) Certify that supervisory and other key personnel in charge of transfer, storage, and handling of oil have received certification pursuant to section 203 of this act;

(c) Certify that the facility has an operations manual required by section 204 of this act;

(d) Certify the implementation of alcohol and drug use awareness programs;

(e) Describe the facility's maintenance and inspection program and contain a current maintenance and inspection record of the storage and transfer facilities and related equipment;

(f) Describe the facility's alcohol and drug treatment programs;

(g) Describe spill prevention technology that has been installed, including overflow alarms, automatic overflow cut-off switches, secondary containment facilities, and storm water retention, treatment, and discharge systems;

(h) Describe any discharges of oil to the land or the water of more than twenty-five barrels in the prior five years and the measures taken to prevent a reoccurrence;

(i) Describe the procedures followed by the facility to contain and recover any oil that spills during the transfer of oil to or from the facility;

(j) Provide for the incorporation into the facility during the period covered by the plan of those measures that will provide the best achievable protection for the public health and the environment; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the department.

(3) The department shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of the state and if it determines that the plan meets the requirements of this section and rules adopted by the department.

(4) Upon approval of a prevention plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities covered by the plan, and other information the department determines should be included.

(5) The approval of a prevention plan shall be valid for five years. An owner or operator of a facility shall notify the department in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a prevention plan as a result of these changes.

(6) The department by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(7) Approval of a prevention plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

(8) This section does not authorize the department to modify the terms of a collective bargaining agreement.

Sec. 202. RCW 90.48.371 and 1990 c 116 s 3 are each amended to read as follows:

(1) Each onshore and offshore facility (~~and covered vessel~~) shall have a contingency plan for the containment and cleanup of oil spills from the facility (~~or covered vessel~~) into the waters of the state and for the protection of fisheries and wildlife, natural resources, and public and private property from such spills. The department shall by rule adopt and periodically revise standards for the preparation of contingency plans. (~~The rules for facilities and, except as otherwise provided in this subsection, for covered vessels shall be adopted not later than July 1, 1991. The department shall exclude from the rules to be adopted by July 1, 1991, standards for tank vessels of less than twenty thousand deadweight tons, cargo vessels, and passenger vessels operating on the portion of the Columbia river for which the department determines that Washington and Oregon should cooperate in the adoption of standards for contingency plans. The department, after consultation with the appropriate state agencies in Oregon, shall adopt the rules for standards for contingency plans for this portion of the Columbia river at the earliest possible time, but not later than July 1, 1992.~~) The department shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any (~~vessel, ship, or~~) facility which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the department(=

~~(i) Removing oil and minimizing any damage to the environment resulting from a maximum probable spill; and~~

~~(ii)) removing oil and minimizing any damage to the environment resulting from a worst case spill;~~

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of oil spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, environmentally sensitive areas, and public facilities. The departments of ecology, fisheries, wildlife, and natural resources, upon request, shall provide information that they have available to assist in preparing this description;

~~(h) State the means of protecting and mitigating effects on the environment, including fish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;~~

~~((h) Provide a detailed description of equipment and procedures to be used by the crew of a vessel to minimize vessel damage, stop or reduce any spilling from the vessel, and, only when appropriate and the vessel/safety is assured, contain and clean up the spilled oil;))~~

(i) Provide arrangements for the repositioning of oil spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(j) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(k) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(l) Until a spill prevention plan has been submitted pursuant to section 201 of this 1991 act, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a ((vessel or)) facility, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(m) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(n) If the department has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

~~(2)(a) ((Contingency plans for facilities capable of storing one million gallons or more of oil and for tank vessels of twenty thousand deadweight tons or more shall be submitted to the department))~~ The following shall submit contingency plans to the department within six months after the department adopts rules establishing standards for contingency plans under subsection (1) of this section;

(i) Onshore facilities capable of storing one million gallons or more of oil; and

(ii) Offshore facilities.

~~(b) ((Except as otherwise provided in (c) of this subsection,))~~ Contingency plans for all other onshore and offshore facilities ((and covered vessels)) shall be submitted to the department within eighteen months after the department has adopted rules under subsection (1) of this section. The department may adopt a schedule for submission of plans within the eighteen-month period.

~~((c) Contingency plans for covered vessels which are not required to submit plans within the six month period prescribed in (a) of this subsection and which operate on the portion of the Columbia river for which the department must adopt rules not later than July 1, 1992, shall be submitted to the department not later than January 1, 1993.))~~

(3)(a) The owner or operator of a facility shall submit the contingency plan for the facility.

~~(b) ((The owner or operator of a tank vessel or of the facilities at which the vessel will be unloading its cargo shall submit the contingency plan for the tank vessel. Subject to conditions imposed by the department, the owner or operator of a facility may submit a single contingency plan for tank vessels of a particular class that will be unloading cargo at the facility.~~

~~(c) The contingency plan for a cargo vessel or passenger vessel may be submitted by the owner or operator of the cargo vessel or passenger vessel or by the agent for the vessel resident in this state. Subject to conditions imposed by the department, the owner, operator, or agent may submit a single contingency plan for cargo vessels or passenger vessels of a particular class.~~

~~(d)) A person who has contracted with a facility ((or covered vessel)) to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.48.372 as recodified by this 1991 act, may submit the plan for any facility ((or covered vessel)) for which the person is contractually obligated to provide services. Subject to conditions imposed by the department, the person may submit a single plan for more than one facility ((or covered vessel)).~~

(4) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the department may be accepted by the department as a contingency plan under this section. The department shall assure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the department shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil (~~and hazardous substance~~) spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil (~~or hazardous substances~~) being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil (~~and hazardous substances~~) within the area covered by the plan;

(f) The sensitivity of fisheries and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the department; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The department shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil (~~or hazardous substances~~) promptly and properly and minimizing any damage to the environment.

(7) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the department shall provide to the person submitting the plan a statement indicating that the plan has been approved, the facilities or vessels covered by the plan, and other information the department determines should be included.

(8) An owner or operator of a (~~vessel, ship, or~~) facility shall notify the department in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the department. The department may require the owner or operator to update a contingency plan as a result of these changes.

(9) The department by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the department at least once every five years.

(10) Approval of a contingency plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 203. FACILITY OPERATION STANDARDS. (1) The department by rule shall adopt standards for onshore and offshore facilities regarding the equipment and operation of the facilities with respect to the transfer, storage, and handling of oil to ensure that the best achievable protection of the public health and the environment is employed at all times. The department shall implement a program to provide for the inspection of all onshore and offshore facilities on a regular schedule to ensure that each facility is in compliance with the standards.

(2) The department shall adopt rules for certification of supervisory and other key personnel in charge of the transfer, storage, and handling of oil at onshore and offshore facilities. The rules shall include, but are not limited to:

(a) Minimum training requirements for all facility workers involved in the transfer, storage, and handling of oil at a facility;

(b) Provisions for periodic renewal of certificates for supervisory and other key personnel involved in the transfer, storage, and handling of oil at the facility; and

(c) Continuing education requirements.

(3) The rules adopted by the department shall not conflict with or modify standards imposed pursuant to federal or state laws regulating worker safety.

NEW SECTION. Sec. 204. OPERATIONS MANUALS. (1) Each owner or operator of an onshore or offshore facility shall prepare an operations manual describing equipment and procedures involving the transfer, storage, and handling of oil that the operator employs or will employ for best achievable protection for the public health and the environment and to prevent oil spills in the navigable waters. The operations manual shall also describe equipment and procedures required for all vessels to or from which oil is transferred through use of the facility. The operations manual shall be submitted to the department for approval.

(2) Every existing onshore and offshore facility shall prepare and submit to the department its operations manual within eighteen months after the department has adopted rules governing the content of the manual.

(3) The department shall approve an operations manual for an onshore or offshore facility if the manual complies with the rules adopted by the department. If the department determines a manual does not comply with the rules, it shall provide written reasons for the decision. The owner or operator shall resubmit the manual within ninety days of notification of the reasons for noncompliance, responding to the reasons and incorporating any suggested modifications.

(4) The approval of an operations manual shall be valid for five years. The owner or operator of the facility shall notify the department in writing immediately of any significant change in its operations affecting its operations manual. The department may require the owner or operator to modify its operations manual as a result of these changes.

(5) All equipment and operations of an operator's onshore or offshore facility shall be maintained and carried out in accordance with the facility's operations manual. The owner or operator of the facility shall ensure that all covered vessels docked at an onshore or offshore facility comply with the terms of the operations manual for the facility.

Sec. 205. RCW 90.48.373 and 1990 c 116 s 5 are each amended to read as follows:

The department shall annually publish an index of available, up-to-date descriptions of prevention plans and contingency plans for oil spills submitted and approved pursuant to section 201 of this 1991 act, RCW 90.48.371 as recodified by this 1991 act, and sections 417 and 419 of this 1991 act and an inventory of equipment available for responding to such spills.

Sec. 206. RCW 90.48.375 and 1990 c 116 s 7 are each amended to read as follows:

(1) The provisions of contingency plans approved by the department under RCW 90.48.371 as recodified by this 1991 act and prevention plans approved by the department pursuant to section 201 of this 1991 act shall be legally binding on those persons submitting them to the department and on their successors, assigns, agents, and employees. The superior court shall have jurisdiction to restrain a violation of, compel specific performance of, or otherwise to enforce such plans upon application by the department. The department may issue an order pursuant to chapter 34.05 RCW requiring compliance with a contingency plan or a prevention plan and may impose administrative penalties under RCW 43.21B.300 for failure to comply with a plan. An order under this section is not subject to review by the pollution control hearings board as provided in RCW 43.21B.110.

(2)(a) Any person responsible or potentially responsible for a discharge, all of the agents and employees of that person, the operators of all vessels docked at an onshore or offshore facility that is a source of a discharge, and all state and local agencies shall carry out response and cleanup operations in accordance with applicable contingency plans, unless directed otherwise by the director or the coast guard. Except as provided in (b) of this subsection, the responsible party, potentially responsible parties, their agents and employees, the operators of all vessels docked at an onshore or offshore facility that is the source of the discharge, and all state and local agencies shall carry out whatever

direction is given by the director in connection with the response, containment, and cleanup of the spill, if the directions are not in direct conflict with the directions of the coast guard.

(b) If a responsible party or potentially responsible party reasonably, and in good faith, believes that the directions or orders given by the director pursuant to (a) of this subsection will substantially endanger the public safety or the environment, the party may refuse to act in compliance with the orders or directions of the director. The responsible party or potentially responsible party shall state, at the time of the refusal, the reasons why the party refuses to follow the orders or directions of the director. The responsible party or potentially responsible party shall give the director written notice of the reasons for the refusal within forty-eight hours of refusing to follow the orders or directions of the director. In any civil or criminal proceeding commenced pursuant to this section, the burden of proof shall be on the responsible party or potentially responsible party to demonstrate, by clear and convincing evidence, why the refusal to follow the orders or directions of the director was justified under the circumstances.

"PART III ENFORCEMENT"

Sec. 301. RCW 90.48.376 and 1990 c 116 s 8 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it shall be unlawful for ((any person)) the owner or operator to knowingly and intentionally operate in this state or on the waters of this state ((a)) an onshore or offshore facility ((or covered vessel)) without an approved contingency plan or an approved prevention plan as required by ((RCW 90.48.374)) this chapter, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The first conviction under this section shall be a gross misdemeanor under chapter 9A.20 RCW. A second or subsequent conviction shall be a class C felony under chapter 9A.20 RCW.

(2) It shall not be unlawful for ((a person)) the owner or operator to operate ((a)) an onshore or offshore facility ((or covered vessel)) if:

(a) The facility ((or covered vessel)) is not required to have a contingency plan, spill prevention plan, or financial responsibility; or

(b) ((A)) All required plans ((has)) have been submitted to the department as required by RCW 90.48.371 as recodified by this 1991 act and rules adopted by the department and the department is reviewing the plan and has not denied approval((; or

((c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress)).

(3) A ((facility)) person may rely on a copy of the statement issued by the department pursuant to RCW 90.48.371(7) as recodified by this 1991 act as evidence that ((the vessel)) a facility has an approved contingency plan and the statement issued pursuant to section 201(5) of this 1991 act that a facility has an approved prevention plan.

Sec. 302. RCW 90.48.377 and 1990 c 116 s 9 are each amended to read as follows:

(1) ((Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to enter the waters of the state without an approved contingency plan as provided in RCW 90.48.371. The department may deny entry onto the waters of the state to any covered vessel that does not have a contingency plan and is so required.

((2)) Except as provided in subsection (((4))) (3) of this section, it shall be unlawful:

(a) For ((a)) the owner or operator to operate an onshore or offshore facility ((to operate)) without an approved contingency plan as required under RCW 90.48.371 as recodified by this 1991 act, a spill prevention plan required by section 201 of this 1991 act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990; or

(b) For ((a)) the owner or operator of an onshore or offshore facility ((or any other person)) to accept cargo or passengers from a covered vessel that does not have an approved contingency plan or an approved prevention plan required under ((RCW

90.48.371) chapter 88.-- RCW (sections 414 through 436 of this 1991 act) or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

~~((3))~~ (2) The department may notify the ~~((department of licensing))~~ secretary of state to suspend the business license of any onshore or offshore facility or other person that is in violation of this section. The department may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility(~~(;))~~ or person(~~(, or covered vessel)~~) is in violation of this section shall be considered a separate violation.

~~((4))~~ (3) It shall not be unlawful for a ~~((covered vessel to operate on the waters of the state or a))~~ facility or other person to operate or accept cargo or passengers from a covered vessel if:

(a) A contingency plan, a prevention plan, or financial responsibility is not required for the facility ~~((or covered vessel));~~ or

(b) A contingency and prevention plan has been submitted to the department as required by ~~((RCW 90.48.371))~~ this chapter and rules adopted by the department and the department is reviewing the plan and has not denied approval~~((; or~~

~~((c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress)).~~

~~((5))~~ (4) Any person may rely on a copy of the statement issued by the department pursuant to RCW 90.48.371(7) as recodified by this 1991 act as evidence that the ~~((vessel))~~ facility has an approved contingency plan and the statement issued pursuant to section 201(5) of this 1991 act as evidence that the facility has an approved spill prevention plan. Any person may rely on a copy of the statement issued by the office to section 419 of this 1991 act as evidence that the vessel has an approved contingency plan and the statement issued pursuant to section 417 of this 1991 act as evidence that the vessel has an approved prevention plan.

Sec. 303. RCW 90.48.325 and 1970 ex.s. c 88 s 3 are each amended to read as follows:

It shall be the obligation of any person owning or having control over oil entering waters of the state in violation of RCW 90.48.320 as recodified by this 1991 act to immediately collect and remove the same. If it is not feasible to collect and remove, said person shall take all practicable actions to contain, treat and disperse the same. The director shall prohibit or restrict the use of any chemicals or other dispersant or treatment materials proposed for use under this section whenever it appears to ~~((him))~~ the director that use thereof would be detrimental to the public interest.

NEW SECTION. Sec. 304. (1)(a) Notwithstanding any other provision of law, a person is not liable for removal costs or damages that result from actions taken or omitted to be taken in the course of rendering care, assistance, or advice consistent with the national contingency plan or as otherwise directed by the federal on-scene coordinator or by the official within the department with responsibility for oil spill response. This subsection (1)(a) does not apply:

- (i) To a responsible party;
- (ii) With respect to personal injury or wrongful death; or
- (iii) If the person is grossly negligent or engages in willful misconduct.

(b) A responsible party is liable for any removal costs and damages that another person is relieved of under (a) of this subsection.

(c) Nothing in this section affects the liability of a responsible party for oil spill response under state law.

(2) For the purposes of this section:

(a) "Damages" means damages of any kind for which liability may exist under the laws of this state resulting from, arising out of, or related to the discharge or threatened discharge of oil.

(b) "Discharge" means any emission other than natural seepage, intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(c) "Federal on-scene coordinator" means the federal official predesignated by the United States environmental protection agency or the United States coast guard to coordinate and direct federal responses under subpart D, or the official designated by the lead agency to coordinate and direct removal under subpart E, of the national contingency plan.

(d) "National contingency plan" means the national contingency plan prepared and published under section 311(d) of the federal water pollution control act (33 U.S.C. Sec. 1321(d)), as amended by the oil pollution act of 1990 (P.L. 101-380, 104 Stat. 484 (1990)).

(e) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

(f) "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

(g) "Removal costs" means the costs of removal that are incurred after a discharge of oil has occurred or, in any case in which there is a substantial threat of a discharge of oil, the costs to prevent, minimize, or mitigate oil pollution from such an incident.

(h) "Responsible party" means a person liable under RCW 90.48.336 as recodified by this act.

Sec. 305. RCW 90.48.340 and 1987 c 109 s 148 are each amended to read as follows:

The department shall investigate each activity or project conducted under RCW 90.48.330 as recodified by this 1991 act to determine, if possible, the circumstances surrounding the entry of oil into waters of the state and the person or persons allowing said entry or responsible for the act or acts which result in said entry. Whenever it appears to the department, after investigation, that a specific person or persons are responsible for the necessary expenses incurred by the state pertaining to a project or activity as specified in RCW 90.48.335 as recodified by this 1991 act, the department shall notify said person or persons by appropriate order (~~PROVIDED, That no order may be issued~~). The department may not issue an order pertaining to a project or activity which was completed more than five years prior to the date of the proposed issuance of the order. ~~((Said))~~ The order shall state the findings of the department, the amount of necessary expenses incurred ((by the department)) in conducting the project or activity, and a notice that said amount is due and payable immediately upon receipt of said order. The department may, upon application from the recipient of an order received within thirty days from the receipt of the order, reduce or set aside in its entirety the amount due and payable, when it appears from the application, and from any further investigation the department may desire to undertake, that a reduction or setting aside is just and fair under all the circumstances. If the amount specified in the order issued by the department notifying said person or persons is not paid within thirty days after receipt of notice imposing the same, or if an application has been made within thirty days as herein provided and the amount provided in the order issued by the department subsequent to such application is not paid within fifteen days after receipt thereof, the attorney general, upon request of the department, shall bring an action on behalf of the state in the superior court of Thurston county or any county in which the person to which the order is directed does business, or in any other court of competent jurisdiction, to recover the amount specified in the final order of the department. No order issued under this section shall be construed as an order within the meaning of RCW 43.21B.310 and shall not be appealable to the hearings board. In any action to recover necessary expenses as herein provided said person shall be relieved from liability for necessary expenses if ~~((he))~~ the person can prove that the oil to which the necessary expenses relate entered the

waters of the state by causes set forth in RCW ((90.48.320(3))) 90.48.320(2) as recodified by this 1991 act.

Sec. 306. RCW 90.48.350 and 1990 c 116 s 20 are each amended to read as follows:

(1) Except as otherwise provided in RCW 90.48.383, any person who negligently discharges oil, or causes or permits the entry of the same, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to twenty thousand dollars for every such violation, and for each day the spill poses risks to the environment as determined by the director.

(2) An employee of the owner or operator of an offshore or onshore facility or covered vessel shall be indemnified by the owner or operator of an offshore or onshore facility or covered vessel for any liability and costs of defense for any action brought under subsection (1) of this section where the employee was acting in the course of employment, and in such case the owner or operator of the offshore or onshore facility or covered vessel shall be liable for the actions of such employee.

(3) Any person who intentionally or recklessly discharges or causes or permits the entry of oil into the waters of the state shall incur, in addition to any other penalty authorized by law, a penalty of up to one hundred thousand dollars for every such violation and for each day the spill poses risks to the environment as determined by the director.

(4) The amount of the penalty shall be determined by the director after taking into consideration the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, the speed and thoroughness of the collection and removal of the oil, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall be imposed pursuant to RCW 43.21B.300.

"PART IV

OFFICE OF MARINE SAFETY"

NEW SECTION. Sec. 401. The legislature declares that Washington's waters have irreplaceable value for the citizens of the state. These waters are vital habitat for numerous and diverse marine life and wildlife and the source of recreation, aesthetic pleasure, and pride for Washington's citizens. These waters are also vital for much of Washington's economic vitality.

The legislature finds that the transportation of oil on these waters creates a great potential hazard to these important natural resources. The legislature also finds that there is no state agency responsible for maritime safety to ensure this state's interest in preserving these resources.

The legislature therefore finds that in order to protect these waters it is necessary to establish an office of marine safety which will have the responsibility to promote the safety of marine transportation in Washington.

NEW SECTION. Sec. 402. (1) There is hereby created an agency of state government to be known as the office of marine safety. The office shall be vested with all powers and duties transferred to it and such other powers and duties as may be authorized by law. The main administrative office of the office shall be located in the city of Olympia. The administrator may establish administrative facilities in other locations, if deemed necessary for the efficient operation of the office, and if consistent with the principles set forth in subsection (2) of this section.

(2) The office of marine safety shall be organized consistent with the goals of providing state government with a focus in marine transportation and serving the people of this state. The legislature recognizes that the administrator needs sufficient

organizational flexibility to carry out the office's various duties. To the extent practical, the administrator shall consider the following organizational principles:

(a) Clear lines of authority which avoid functional duplication within and between subelements of the office;

(b) A clear and simplified organizational design promoting accessibility, responsiveness, and accountability to the legislature, the consumer, and the general public; and

(c) Maximum span of control without jeopardizing adequate supervision.

(3) The office shall provide leadership and coordination in identifying and resolving threats to the safety of marine transportation and the impact of marine transportation on the environment:

(a) Working with other state agencies and local governments to strengthen the state and local governmental partnership in providing public protection;

(b) Providing expert advice to the executive and legislative branches of state government;

(c) Providing active and fair enforcement of rules;

(d) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing marine safety measures;

(e) Providing information to the public; and

(f) Carrying out such other related actions as may be appropriate to this purpose.

(4) In accordance with the administrative procedure act, chapter 34.05 RCW, the office shall ensure an opportunity for consultation, review, and comment before the adoption of standards, guidelines, and rules.

(5) Consistent with the principles set forth in subsection (2) of this section, the administrator may create such administrative divisions, offices, bureaus, and programs within the office as the administrator deems necessary. The administrator shall have complete charge of and supervisory powers over the office, except where the administrator's authority is specifically limited by law.

(6) The administrator shall appoint such personnel as are necessary to carry out the duties of the office in accordance with chapter 41.06 RCW.

NEW SECTION. Sec. 403. The executive head and appointing authority of the office shall be the administrator of marine safety. The administrator shall be appointed by, and serve at the pleasure of, the governor in accordance with RCW 43.17.020. The administrator shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040.

Sec. 404. RCW 42.17.2401 and 1991 c 3 s 293 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the office of marine safety, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community colleges, the director of community development, the secretary of corrections, the director of ecology, the commissioner of employment security, the chairman of the energy facility site evaluation council, the director of the energy office, the secretary of the state finance committee, the director of financial management, the director of fisheries, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the director of the higher education personnel board, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor

recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the director of trade and economic development, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the director of wildlife, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community college education, state convention and trade center board of directors, board of pilotage, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, higher education coordinating board, higher education facilities authority, higher education personnel board, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, liquor control board, lottery commission, marine oversight board, oil and gas conservation committee, Pacific Northwest electric power and conservation planning council, parks and recreation commission, personnel appeals board, personnel board, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, state employees' benefits board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and wildlife commission.

NEW SECTION. Sec. 405. In addition to any other powers granted the administrator, the administrator may:

(1) Adopt, in accordance with chapter 34.05 RCW, rules necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act);

(2) Appoint such advisory committees as may be necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act). Members of such advisory committees are authorized to receive travel expenses in accordance with RCW 43.03.050 and 43.03.060. The administrator shall review each advisory committee within the jurisdiction of the office and each statutory advisory committee on a biennial basis to determine if such advisory committee is needed. The criteria specified in RCW 43.131.070 shall be used to determine whether or not each advisory committee shall be continued;

(3) Undertake studies, research, and analysis necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act);

(4) Delegate powers, duties, and functions of the department to employees of the department as the secretary deems necessary to carry out the provisions of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act);

(5) Enter into contracts on behalf of the department to carry out the purposes of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act);

(6) Act for the state in the initiation of, or the participation in, any intergovernmental program for the purposes of this chapter and chapter 88.-- RCW (sections 414 through 436 of this act); or

(7) Accept gifts, grants, or other funds.

NEW SECTION. Sec. 406. The powers and duties of the department of ecology and the director of ecology under chapter 90.48 RCW relating to adoption of rules and approval of contingency plans for covered vessels and adoption of model tow cable standards for tug boats and barges are hereby transferred to the office of marine safety and the administrator of the office of marine safety.

NEW SECTION. Sec. 407. (1) The administrator shall have full authority to administer oaths and take testimony thereunder, to issue subpoenas requiring the attendance of witnesses before the administrator together with all books, memoranda, papers, and other documents, articles or instruments, and to compel the disclosure by such witnesses of all facts known to them relative to the matters under investigation.

(2) Subpoenas issued in adjudicative proceedings shall be governed by chapter 34.05 RCW.

(3) Subpoenas issued in the conduct of investigations required or authorized by other statutory provisions or necessary in the enforcement of other statutory provisions shall be governed by chapter 34.05 RCW.

NEW SECTION. Sec. 408. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the office of marine safety. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the office of marine safety. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the office of marine safety.

Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the office of marine safety.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 409. All employees of the department of ecology engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the office of marine safety. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the office of marine safety to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 410. All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the office of marine safety. All existing contracts and obligations shall remain in full force and shall be performed by the office of marine safety.

NEW SECTION. Sec. 411. The transfer of the powers, duties, functions, and personnel of the department of ecology shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 412. If apportionments of budgeted funds are required because of the transfers directed by sections 408 through 411 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state

auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 413. Nothing contained in sections 406 and 408 through 412 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 414. **DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this act.

(2) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The administrator's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(3) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the administrator shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(7) "Department" means the department of ecology.

(8) "Director" means the director of the department of ecology.

(9) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(10)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(11) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(12) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently

used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(13) "Office" means the office of marine safety established by section 402 of this act.

(14) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(15) "Offshore facility" means any facility, as defined in subsection (10) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility as defined in subsection (11) of this section.

(16) "Onshore facility" means any facility, as defined in subsection (10) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(17)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(18) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(19) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(20) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(21) "Spill" means an unauthorized discharge of oil into the waters of the state.

(22) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(23) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(24) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 415. COORDINATION WITH FEDERAL LAW. In carrying out the purposes of this chapter, including the adoption of rules for contingency plans, the administrator shall to the greatest extent practicable implement this chapter in a manner consistent with federal law.

NEW SECTION. Sec. 416. TANK VESSEL INSPECTIONS. (1) All tank vessels entering the navigable waters of the state shall be subject to inspection to assure that they comply with all applicable federal and state standards.

(2) The office shall review the tank vessel inspection programs conducted by the United States coast guard and other federal agencies to determine if the programs as actually operated by those agencies provide the best achievable protection to the waters of the state. If the office determines that the tank vessel inspection programs conducted by these agencies are not adequate to protect the state's waters, it shall adopt rules for a state tank vessel inspection program. The office shall adopt rules providing for a random review of individual tank vessel inspections conducted by federal agencies. The office may accept a tank vessel inspection report issued by another state if that state's tank vessel inspection program is determined by the office to be at least as protective of the public health and the environment as the program adopted by the office.

(3) The state tank vessel inspection program shall ensure that all tank vessels entering state waters are inspected at least annually. To the maximum extent feasible, the state program shall consist of the monitoring of existing tank vessel inspection programs conducted by the federal government. The office shall consult with the coast guard regarding the tank vessel inspection program. Any tank vessel inspection conducted pursuant to this section shall be performed during the vessel's scheduled stay in port.

(4) Any violation of coast guard or other federal regulations uncovered during a state tank vessel inspection shall be immediately reported to the appropriate agency.

NEW SECTION. Sec. 417. PREVENTION PLANS. (1) The owner or operator for each tank vessel shall prepare and submit to the office an oil spill prevention plan in conformance with the requirements of this chapter. The plans shall be submitted to the office in the time and manner directed by the office, but not later than January 1, 1993. The spill prevention plan may be consolidated with a spill contingency plan submitted pursuant to section 419 of this act. The office may accept plans prepared to comply with other state or federal law as spill prevention plans to the extent those plans comply with the requirements of this chapter. The office, by rule, shall establish standards for spill prevention plans. The rules shall be adopted not later than July 1, 1992.

(2) The spill prevention plan for a tank vessel or a fleet of tank vessels operated by the same operator shall:

(a) Establish compliance with the federal oil pollution act of 1990 and state and federal financial responsibility requirements, if applicable;

(b) State all discharges of oil of more than twenty-five barrels from the vessel within the prior five years and what measures have been taken to prevent a reoccurrence;

(c) Describe all accidents, collisions, groundings, and near miss incidents in which the vessel has been involved in the prior five years, analyze the causes, and state the measures that have been taken to prevent a reoccurrence;

(d) Describe the vessel operations with respect to staffing standards;

(e) Describe the vessel inspection program carried out by the owner or operator of the vessel;

(f) Describe the training given to vessel crews with respect to spill prevention;

(g) Establish compliance with federal drug and alcohol programs;

(h) Describe all spill prevention technology that has been incorporated into the vessel;

(i) Describe the procedures used by the vessel owner or operator to ensure English language proficiency of at least one bridge officer while on duty in waters of the state;

(j) Describe relevant prevention measures incorporated in any applicable regional marine spill safety plan that have not been adopted and the reasons for that decision; and

(k) Include any other information reasonably necessary to carry out the purposes of this chapter required by rules adopted by the office.

(3) The office shall only approve a prevention plan if it provides the best achievable protection from damages caused by the discharge of oil into the waters of the state and if it determines that the plan meets the requirements of this section and rules adopted by the office.

(4) Upon approval of a prevention plan, the office shall provide to the person submitting the plan a statement indicating that the plan has been approved, the vessels covered by the plan, and other information the office determines should be included.

(5) The approval of a prevention plan shall be valid for five years. An owner or operator of a tank vessel shall notify the office in writing immediately of any significant change of which it is aware affecting its prevention plan, including changes in any factor set forth in this section or in rules adopted by the office. The office may require the owner or operator to update a prevention plan as a result of these changes.

(6) The office by rule shall require prevention plans to be reviewed, updated, if necessary, and resubmitted to the office at least once every five years.

(7) Approval of a prevention plan by the office does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

(8) This section does not authorize the office to modify the terms of a collective bargaining agreement.

NEW SECTION. Sec. 418. VESSEL SCREENING. (1) In order to ensure the safety of marine transportation within the navigable waters of the state and to protect the state's natural resources, the administrator shall adopt rules by July 1, 1992, for determining whether cargo vessels and passenger vessels entering the navigable waters of the state pose a substantial risk of harm to the public health and safety and the environment.

(2) The rules adopted by the administrator pursuant to this section may include, but are not limited to:

(a) Available information to examine for evidence that a cargo or passenger vessel may pose a substantial risk to safe marine transportation or the state's natural resources, including, vessel casualty lists, United States coast guard casualty reports, maritime insurance ratings, the index of contingency plans compiled by the department of ecology, other data gathered by the office or the maritime commission, or any other resources;

(b) A request to the United States coast guard to deny a cargo vessel or passenger vessel entry into the navigable waters of the state, if the vessel poses a substantial environmental risk;

(c) A notice to the state's spill response system that a cargo or passenger vessel entering the state's navigable waters poses a substantial environmental risk;

(d) A vessel inspection for vessels that may pose a substantial environmental risk, to determine whether a cargo vessel or passenger vessel complies with applicable state or federal laws. Any vessel inspection conducted pursuant to this section shall be performed during the vessel's scheduled stay in port; and

(e) Enforcement actions.

NEW SECTION. Sec. 419. CONTINGENCY PLANS. (1) Each covered vessel shall have a contingency plan for the containment and cleanup of oil spills from the covered vessel into the waters of the state and for the protection of fisheries and wildlife, natural resources, and public and private property from such spills. The office shall by rule adopt and periodically revise standards for the preparation of contingency plans. The office shall require contingency plans, at a minimum, to meet the following standards:

(a) Include full details of the method of response to spills of various sizes from any vessel which is covered by the plan;

(b) Be designed to be capable in terms of personnel, materials, and equipment, of promptly and properly, to the maximum extent practicable, as defined by the office

removing oil and minimizing any damage to the environment resulting from a worst case spill;

(c) Provide a clear, precise, and detailed description of how the plan relates to and is integrated into relevant contingency plans which have been prepared by cooperatives, ports, regional entities, the state, and the federal government;

(d) Provide procedures for early detection of spills and timely notification of such spills to appropriate federal, state, and local authorities under applicable state and federal law;

(e) State the number, training preparedness, and fitness of all dedicated, prepositioned personnel assigned to direct and implement the plan;

(f) Incorporate periodic training and drill programs to evaluate whether personnel and equipment provided under the plan are in a state of operational readiness at all times;

(g) Describe important features of the surrounding environment, including fish and wildlife habitat, environmentally sensitive areas, and public facilities. The departments of ecology, fisheries, wildlife, and natural resources, upon request, shall provide information that they have available to assist in preparing this description;

(h) State the means of protecting and mitigating effects on the environment, including fish, marine mammals, and other wildlife, and ensure that implementation of the plan does not pose unacceptable risks to the public or the environment;

(i) Establish guidelines for the use of equipment by the crew of a vessel to minimize vessel damage, stop or reduce any spilling from the vessel, and, only when appropriate and only when vessel safety is assured, contain and clean up the spilled oil;

(j) Provide arrangements for the repositioning of spill containment and cleanup equipment and trained personnel at strategic locations from which they can be deployed to the spill site to promptly and properly remove the spilled oil;

(k) Provide arrangements for enlisting the use of qualified and trained cleanup personnel to implement the plan;

(l) Provide for disposal of recovered spilled oil in accordance with local, state, and federal laws;

(m) Until a spill prevention plan has been submitted pursuant to section 417 of this act, state the measures that have been taken to reduce the likelihood that a spill will occur, including but not limited to, design and operation of a vessel, training of personnel, number of personnel, and backup systems designed to prevent a spill;

(n) State the amount and type of equipment available to respond to a spill, where the equipment is located, and the extent to which other contingency plans rely on the same equipment; and

(o) If the department of ecology has adopted rules permitting the use of dispersants, the circumstances, if any, and the manner for the application of the dispersants in conformance with the department's rules.

(2)(a) The owner or operator of a tank vessel of three thousand gross tons or more shall submit a contingency plan to the office within six months after the office adopts rules establishing standards for contingency plans under subsection (1) of this section.

(b) Contingency plans for all other covered vessels shall be submitted to the office within eighteen months after the office has adopted rules under subsection (1) of this section. The office may adopt a schedule for submission of plans within the eighteen-month period.

(3)(a) The owner or operator of a tank vessel or of the facilities at which the vessel will be unloading its cargo shall submit the contingency plan for the tank vessel. Subject to conditions imposed by the office, the owner or operator of a facility may submit a single contingency plan for tank vessels of a particular class that will be unloading cargo at the facility.

(b) The contingency plan for a cargo vessel or passenger vessel may be submitted by the owner or operator of the cargo vessel or passenger vessel, by the agent for the

vessel resident in this state, or by the Washington state maritime commission pursuant to RCW 88.44.020. Subject to conditions imposed by the office, the owner, operator, or agent may submit a single contingency plan for cargo vessels or passenger vessels of a particular class.

(c) A person who has contracted with a covered vessel to provide containment and cleanup services and who meets the standards established pursuant to RCW 90.48.372 as recodified by this act, may submit the plan for any covered vessel for which the person is contractually obligated to provide services. Subject to conditions imposed by the office, the person may submit a single plan for more than one covered vessel.

(4) A contingency plan prepared for an agency of the federal government or another state that satisfies the requirements of this section and rules adopted by the office may be accepted by the office as a contingency plan under this section. The office shall assure that to the greatest extent possible, requirements for contingency plans under this section are consistent with the requirements for contingency plans under federal law.

(5) In reviewing the contingency plans required by this section, the office shall consider at least the following factors:

(a) The adequacy of containment and cleanup equipment, personnel, communications equipment, notification procedures and call down lists, response time, and logistical arrangements for coordination and implementation of response efforts to remove oil spills promptly and properly and to protect the environment;

(b) The nature and amount of vessel traffic within the area covered by the plan;

(c) The volume and type of oil being transported within the area covered by the plan;

(d) The existence of navigational hazards within the area covered by the plan;

(e) The history and circumstances surrounding prior spills of oil within the area covered by the plan;

(f) The sensitivity of fisheries and wildlife and other natural resources within the area covered by the plan;

(g) Relevant information on previous spills contained in on-scene coordinator reports prepared by the director; and

(h) The extent to which reasonable, cost-effective measures to prevent a likelihood that a spill will occur have been incorporated into the plan.

(6) The office shall approve a contingency plan only if it determines that the plan meets the requirements of this section and that, if implemented, the plan is capable, in terms of personnel, materials, and equipment, of removing oil promptly and properly and minimizing any damage to the environment.

(7) The approval of the contingency plan shall be valid for five years. Upon approval of a contingency plan, the office shall provide to the person submitting the plan a statement indicating that the plan has been approved, the vessels covered by the plan, and other information the office determines should be included.

(8) An owner or operator of a covered vessel shall notify the office in writing immediately of any significant change of which it is aware affecting its contingency plan, including changes in any factor set forth in this section or in rules adopted by the office. The office may require the owner or operator to update a contingency plan as a result of these changes.

(9) The office by rule shall require contingency plans to be reviewed, updated, if necessary, and resubmitted to the office at least once every five years.

(10) Approval of a contingency plan by the office does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under this chapter or other state law.

NEW SECTION. Sec. 420. The provisions of prevention plans and contingency plans approved by the office pursuant to this chapter shall be legally binding on those persons submitting them to the office and on their successors, assigns, agents, and

employees. The superior court shall have jurisdiction to restrain a violation of, compel specific performance of, or otherwise to enforce such plans upon application by the office. The office may issue an order pursuant to chapter 34.05 RCW requiring compliance with a contingency plan or a prevention plan and may impose administrative penalties for failure to comply with a plan.

NEW SECTION. Sec. 421. (1) Except as provided in subsection (2) of this section, it shall be unlawful for the owner or operator to knowingly and intentionally operate in this state or on the waters of this state a covered vessel without an approved contingency plan or an approved prevention plan as required by this chapter, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The first conviction under this section shall be a gross misdemeanor under chapter 9A.20 RCW. A second or subsequent conviction shall be a class C felony under chapter 9A.20 RCW.

(2) It shall not be unlawful for the owner or operator to operate a covered vessel if:

(a) The covered vessel is not required to have a contingency plan, spill prevention plan, or financial responsibility;

(b) All required plans have been submitted to the office as required by this chapter and rules adopted by the office and the office is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(3) A person may rely on a copy of the statement issued by the office pursuant to section 419 of this act as evidence that a vessel has an approved contingency plan and the statement issued pursuant to section 417 of this act that a vessel has an approved prevention plan.

NEW SECTION. Sec. 422. (1) Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to enter the waters of the state without an approved contingency plan required by section 419 of this act, a spill prevention plan required by section 417 of this act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990. The office may deny entry onto the waters of the state to any covered vessel that does not have a required contingency or spill prevention plan or financial responsibility.

(2) Except as provided in subsection (4) of this section, it shall be unlawful for a covered vessel to transfer oil to an onshore or offshore facility that does not have an approved contingency plan required under RCW 90.48.371 as recodified by this act, a spill prevention plan required by section 201 of this act, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

(3) The administrator may assess a civil penalty of up to one hundred thousand dollars against the owner or operator of a vessel who is in violation of this section. Each day that the owner or operator of a covered vessel is in violation of this section shall be considered a separate violation.

(4) It shall not be unlawful for a covered vessel to operate on the waters of the state if:

(a) A contingency plan, a prevention plan, or financial responsibility is not required for the covered vessel;

(b) A contingency plan and prevention plan has been submitted to the office as required by this chapter and rules adopted by the office and the office is reviewing the plan and has not denied approval; or

(c) The covered vessel has entered state waters after the United States coast guard has determined that the vessel is in distress.

(5) Any person may rely on a copy of the statement issued by the office to section 419 of this act as evidence that the vessel has an approved contingency plan and the

statement issued pursuant to section 417 of this act as evidence that the vessel has an approved spill prevention plan.

NEW SECTION. Sec. 423. NOTIFICATION OF ACCIDENTS AND NEAR MISS INCIDENTS. (1) In order to assist the state in identifying areas of the navigable waters of the state needing special attention, the owner or operator of a covered vessel shall notify the coast guard within one hour:

(a) Of the disability of the covered vessel if the disabled vessel is within twelve miles of the shore of the state; and

(b) Of a collision or a near miss incident within twelve miles of the shore of the state.

(2) The division of emergency management of the department of community development and the office shall request the coast guard to notify the division of emergency management as soon as possible after the coast guard receives notice of a disabled covered vessel or of a collision or near miss incident within twelve miles of the shore of the state. The office shall negotiate an agreement with the coast guard governing procedures for coast guard notification to the state regarding disabled covered vessels and collisions and near miss incidents.

(3) The office shall prepare a summary of the information collected under this section and provide the summary to the regional marine safety committees, the coast guard, and others in order to identify problems with the marine transportation system.

(4) For the purposes of this section:

(a) A tank vessel or cargo vessel is considered disabled if any of the following occur:

(i) Any accidental or intentional grounding;

(ii) The total or partial failure of the main propulsion or primary steering or any component or control system that causes a reduction in the maneuvering capabilities of the vessel;

(iii) An occurrence materially and adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flooding, or collision with another vessel;

(iv) Any other occurrence that creates the serious possibility of an oil spill or an occurrence that may result in such a spill.

(b) A barge is considered disabled if any of the following occur:

(i) The towing mechanism becomes disabled;

(ii) The towboat towing the barge becomes disabled through occurrences defined in (a) of this subsection.

(c) A near miss incident is an incident that requires the pilot or master of a covered vessel to take evasive actions or make significant course corrections in order to avoid a collision with another ship or to avoid a grounding as required by the international rules of the road.

(5) Failure of any person to make a report under this section shall not be used as the basis for the imposition of any fine or penalty.

NEW SECTION. Sec. 424. REGIONAL MARINE SAFETY COMMITTEES. (1) The office shall establish regional marine safety committees at least for the Strait of Juan de Fuca/Northern Puget Sound, Southern Puget Sound, and Grays Harbor/Pacific coast. It is the intent of the legislature that the office also establish a regional marine safety committee jointly with the state of Oregon for the Columbia river. The office by rule shall establish the boundaries of the committees.

(2) The administrator shall appoint to each regional committee for a term of three years six persons representing a cross section of interests and the public with an interest in maritime transportation and environmental issues.

(3) The administrator or his or her designee shall chair each of the regional committees. Each member of the committee shall be reimbursed for actual and necessary

expenses incurred in the performance of committee duties in accordance with RCW 43.03.250.

(4) Each regional committee shall be responsible for planning for the safe navigation and operation of tankers, barges, and other vessels within each region. Each committee shall prepare a regional marine safety plan, encompassing all vessel traffic within the region. The coast guard, the federal environmental protection agency, the army corps of engineers, and the navy shall be invited to attend the meetings of each marine regional safety committee.

(5) The administrator shall adopt rules and guidelines for regional marine safety plans in consultation with affected parties. The rules shall require the committees to establish subcommittees to involve all interested parties in the development of the plans and to require the committees to include a summary of public comments and any minority reports with recommendations submitted to the administrator. The rules shall also require the plans to consider all of the following:

(a) Requirements for tug escorts of tankers and other commercial vessels, and speed limits for tankers and other vessels in addition to the requirements imposed by statute;

(b) A review and evaluation of the adequacy of and any changes needed in:

(i) Anchorage designations and sounding checks;

(ii) Communications systems;

(iii) Commercial and recreational fishing, recreational boaters, and other small vessel congestion in shipping lanes; and

(iv) Placement and effectiveness of navigational aids, channel design plans, and the traffic and routings from port construction and dredging projects;

(c) Procedures for routing vessels during emergencies that impact navigation;

(d) Management requirements for control bridges;

(e) Special protection for environmentally sensitive areas;

(f) Suggested mechanisms to ensure that the provisions of the plan are fully and regularly enforced; and

(g) A recommendation as to whether establishing or expanding vessel traffic safety systems within the region is desirable.

(6) Each regional marine safety plan shall be submitted to the office for approval within one year after the regional marine safety committee is established. The office shall review the plans for consistency with the rules and guidelines and shall approve the plans or give reasons for their disapproval. If a regional marine safety committee does not submit a regional marine safety plan to the office within one year after the committee is established, the office, after consulting with affected interests, may adopt a plan for the region that meets the requirements of subsection (5) of this section.

(7) Upon approval of a plan, the office shall implement those elements of the plan over which the state has authority. If federal authority or action is required, the office shall petition the appropriate agency or congress.

(8) Not later than July 1st of each even-numbered year each regional marine safety committee shall report its findings and recommendations to the marine oversight board established in section 501 of this act and the office concerning vessel traffic safety in its region and any recommendations for improving tanker, barge, and other vessel safety in the region by amending the regional marine safety plan. The regional committees shall also provide technical assistance to the marine oversight board.

(9) The regional safety committees shall recommend to the office the need for, and the structure and design of, an emergency response system for the Strait of Juan de Fuca and the Pacific coast.

NEW SECTION. Sec. 425. TANK VESSEL RESPONSE EQUIPMENT STANDARDS. The office may adopt rules including but not limited to standards for spill response equipment to be maintained on tank vessels. The standards adopted under

this section shall be consistent with spill response equipment standards adopted by the United States coast guard.

NEW SECTION. Sec. 426. EMERGENCY RESPONSE SYSTEM. An emergency response system for the Strait of Juan de Fuca shall be established by July 1, 1992. In establishing the emergency response system, the administrator shall consider the recommendations of the regional marine safety committees. The administrator shall also consult with the province of British Columbia regarding its participation in the emergency response system.

NEW SECTION. Sec. 427. CAPTIONS NOT LAW. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 428. UNIFIED AND CONSISTENT PLANNING. The office and the department shall adopt an interagency agreement in accordance with chapter 39.34 RCW to divide responsibilities for the regulation of marine facilities to ensure that no duplication of regulatory responsibilities occurs.

NEW SECTION. Sec. 429. On or before November 15, 1996, the legislative budget committee shall prepare a report to the legislature on the means for future implementation of the provisions in chapter 88.-- RCW (sections 414 through 436 of this act).

NEW SECTION. Sec. 430. The office of marine safety is hereby abolished and its powers, duties, and functions are hereby transferred to the department of ecology. All references to the administrator or office of marine safety in the Revised Code of Washington shall be construed to mean the director or department of ecology.

NEW SECTION. Sec. 431. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of marine safety shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of marine safety shall be made available to the department of ecology. All funds, credits, or other assets held by the office of marine safety shall be assigned to the department of ecology.

Any appropriations made to the office of marine safety shall, on the effective date of this section, be transferred and credited to the department of ecology.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 432. All employees of the office of marine safety are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 433. All rules and all pending business before the office of marine safety shall be continued and acted upon by the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology.

NEW SECTION. Sec. 434. The transfer of the powers, duties, functions, and personnel of the office of marine safety shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 435. If apportionments of budgeted funds are required because of the transfers directed by sections 431 through 434 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and

adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 436. Nothing contained in sections 430 through 435 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 437. RCW 90.48.385 and 1990 c 116 s 16 are each amended to read as follows:

~~((The department of ecology shall study standards for the manner in which, and the equipment with which, tow boats may tow barges carrying oil or hazardous substances as cargo or cargo residue.))~~ The regional marine safety committees established pursuant to section 424 of this 1991 act shall study federal requirements for tow equipment for barges carrying oil in bulk. The committees shall review standards ((shall address but are not limited to)) for: Wire rope specifications, catenary, the design of related on-board equipment, number of cables, ((and)) back-up or barge retrieval systems in case of cable break, and the operation, maintenance, and inspection of cables and other tow equipment.

~~((The department shall seek voluntary compliance with such standards.~~

~~Finally, the department shall study state jurisdiction over and liability of mandatory compliance with such standards. The department shall report to the appropriate standing committees of the legislature by July 1, 1991, recommendations regarding mandatory compliance with such standards.))~~

The committees shall submit their report to the office within one year after the committees are established. The report shall include a recommendation on whether the office should adopt standards for tow equipment and its maintenance, operation, and inspection. If there is a recommendation that the office adopt standards, the recommended standards shall also be included in the report.

Sec. 438. RCW 90.48.510 and 1987 c 479 s 2 are each amended to read as follows:

~~((After June 30, 1988,))~~ Any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, and any person or facility transferring oil between an onshore or offshore facility and a tank vessel shall have containment and recovery equipment readily available for deployment in the event of the discharge of oil into the waters of the state and shall deploy the containment and recovery equipment in accordance with standards adopted by the office. All persons conducting refueling, bunkering, or lightering operations, or oil transfer operations shall be trained in the use and deployment of oil spill containment and recovery equipment. ((After examining existing equipment locations, the methods and conditions of deployment, and accessibility of any federal or other publicly or privately owned and operated containment and recovery equipment or systems, and reviewing federal, state, or local laws, rules, or regulations and ordinances governing refueling, bunkering, or lightering of petroleum products.)) The ((department of ecology may)) office shall adopt rules as necessary to carry out the provisions of this section. The rules shall include standards for the circumstances under which containment equipment should be deployed. An onshore or offshore facility shall include the procedures used to contain and recover discharges in the facility's contingency plan. It is the responsibility of the person providing bunkering, refueling, or lightering services to provide any containment or recovery equipment required under this section. This section does not apply to a person operating a ship for personal pleasure or for recreational purposes.

"PART V

MARINE OVERSIGHT BOARD"

NEW SECTION. Sec. 501. MARINE OVERSIGHT BOARD. (1) The oil marine oversight board is established to provide independent oversight of the actions of the federal government, industry, the department, the office, and other state agencies with

respect to oil spill prevention and response for covered vessels and onshore and offshore facilities.

(2)(a) The board may, at its own discretion, study any aspect of oil spill prevention and response for covered vessels and onshore and offshore facilities in the state. The board shall report to the governor and make recommendations to the department and the office on activities of the federal government and industry with respect to oil spill prevention and response for covered vessels and onshore and offshore facilities, including recommendations for the state's response to those actions. The board shall specifically review the need for, and the structure and design of an emergency response system for the Strait of Juan de Fuca and the Pacific coast. The board shall also make recommendations to the legislature and other state agencies on any provision of this chapter, other state laws, and rules, policies, and guidelines adopted by the department, the office, or, other state agencies relating to the prevention and cleanup of oil spills into the waters of the state from covered vessels and onshore and offshore facilities.

(b) To minimize duplication of effort, reviews conducted by the board shall be coordinated with related activities of the federal government, the department, the office, and other appropriate state and international entities. The Puget Sound water quality authority shall ensure that studies and recommendations by the board shall not be duplicated by any recommendations prepared and adopted pursuant to chapter 90.70 RCW after the effective date of this section.

(c) The board shall evaluate and report at least annually to the governor and the appropriate standing committees of the legislature on oil spill prevention, response, and preparedness programs within the state for covered vessels and onshore and offshore facilities.

(3) There shall be five members of the board appointed by the governor for terms of five years. Members' terms shall be staggered. The members of the board shall be representative of the public and shall have demonstrable knowledge of environmental protection and the study of marine ecosystems, or have familiarity with marine transportation systems.

(4) A chair shall be selected by majority vote of the board. The board shall meet as often as required, but at least four times per year. Members shall be reimbursed for travel and expenses for attending meetings as provided in RCW 43.03.050 and 43.03.060.

(5) The chair may hire staff as necessary for the board to fulfill its responsibilities.

NEW SECTION. Sec. 502. A new section is added to chapter 90.70 RCW to read as follows:

Authority recommendations for oil spill prevention and response shall not be duplicative of those responsibilities given to the marine oversight board under section 501 of this act. The authority may incorporate the findings and recommendations of the marine oversight board into the plan or revisions of the plan submitted to the United States environmental protection agency pursuant to the federal clean water act, 33 U.S.C. Sec. 1330.

"PART VI TANKER REQUIREMENTS"

Sec. 601. RCW 88.16.170 and 1975 1st ex.s. c 125 s 1 are each amended to read as follows:

Because of the danger of spills, the legislature finds that the transportation of crude oil and refined petroleum products by tankers on the Columbia river and on Puget Sound and adjacent waters creates a great potential hazard to important natural resources of the state and to jobs and incomes dependent on these resources.

The legislature recognizes that the Columbia river has many natural obstacles to navigation and shifting navigation channels that create the risk of an oil spill. The legislature also recognizes Puget Sound and adjacent waters are a relatively confined salt

water environment with irregular shorelines and therefore there is a greater than usual likelihood of long-term damage from any large oil spill.

The legislature further recognizes that certain areas of the Columbia river and Puget Sound and adjacent waters have limited space for maneuvering a large oil tanker and that these waters contain many natural navigational obstacles as well as a high density of commercial and pleasure boat traffic.

For these reasons, it is important that large oil tankers be piloted by highly skilled persons who are familiar with local waters and that such tankers have sufficient capability for rapid maneuvering responses.

It is therefore the intent and purpose of RCW 88.16.180 and 88.16.190 to decrease the likelihood of oil spills on the Columbia river and on Puget Sound and its shorelines by requiring all oil tankers above a certain size to employ ((~~Washington state~~)) licensed pilots and((~~if lacking certain safety and maneuvering capability requirements,~~)) to be escorted by a tug or tugs while navigating on certain areas of Puget Sound and adjacent waters.

Sec. 602. RCW 88.16.180 and 1983 c 3 s 231 are each amended to read as follows:

Notwithstanding the provisions of RCW 88.16.070, any registered oil tanker((~~whether enrolled or registered,~~)) of ((~~fifty~~)) five thousand ((~~deadweight~~)) gross tons or greater, shall be required:

(1) To take a Washington state licensed pilot while navigating Puget Sound and adjacent waters and shall be liable for and pay pilotage rates pursuant to RCW 88.16.035; and

(2) To take a licensed pilot while navigating the Columbia river.

Sec. 603. RCW 88.16.200 and 1977 ex.s. c 337 s 16 are each amended to read as follows:

Any vessel designed for the purpose of carrying as its cargo liquefied natural or propane gas shall adhere to the provisions of RCW 88.16.190(2) as though it ((~~was~~)) were an oil tanker.

NEW SECTION. Sec. 604. RECKLESS OPERATION OF A VESSEL. (1) A person commits the crime of reckless operation of a tank vessel if, while (a) navigating a tank vessel, (b) piloting a tank vessel, or (c) on the vessel control bridge and in control of the motion, direction, or speed of a tank vessel, the person, with recklessness as defined in RCW 9A.08.010, causes a release of oil.

(2) Reckless operation of a tank vessel is a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 605. OPERATION OF A VESSEL WHILE UNDER INFLUENCE OF LIQUOR OR DRUGS. (1) A person is guilty of operating a vessel while under the influence of intoxicating liquor or drugs if the person operates a covered vessel within this state while:

(a) The person has 0.06 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under section 606 of this act; or

(b) The person has 0.06 percent or more by weight of alcohol in the person's blood as shown by analysis of the person's blood made under section 606 of this act; or

(c) The person is under the influence of or affected by intoxicating liquor or drugs; or

(d) The person is under the combined influence of or affected by intoxicating liquor or drugs.

(2) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

(3) Operating a vessel while intoxicated is a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 606. BREATH OR BLOOD ANALYSIS. (1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by a person while operating a vessel while under the influence of intoxicating liquor or drugs, if the amount of alcohol in the person's blood or breath at the time alleged as shown by analysis of his blood or breath is less than 0.06 percent by weight of alcohol in his blood or 0.06 grams of alcohol per two hundred ten liters of the person's breath, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or drugs.

(2) The breath analysis shall be based upon grams of alcohol per two hundred ten liters of breath. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under this section shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist shall approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits that are subject to termination or revocation at the discretion of the state toxicologist.

(4) If a blood test is administered under this section, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who submits to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or his or her attorney.

NEW SECTION. Sec. 607. LIMITED IMMUNITY FOR BLOOD WITHDRAWAL. No physician, registered nurse, qualified technician, or hospital, or duly licensed clinical laboratory employing or using services of the physician, registered nurse, or qualified technician, may incur any civil or criminal liability as a result of the act of withdrawing blood from any person when directed by a law enforcement officer to do so for the purpose of a blood test under section 606 of this act. This section shall not relieve any physician, registered nurse, qualified technician, or hospital or duly licensed clinical laboratory from civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

"PART VII FINANCIAL RESPONSIBILITY"

Sec. 701. RCW 88.40.005 and 1990 c 116 s 29 are each amended to read as follows:

The legislature recognizes that oil and hazardous substance spills and other forms of incremental pollution present serious danger to the fragile marine environment of Washington state. It is the intent and purpose of this chapter to define and prescribe financial responsibility requirements for vessels that transport petroleum products as cargo or as fuel across the waters of the state of Washington and for facilities that store, handle, or transfer oil or hazardous substances in bulk on or near the navigable waters.

NEW SECTION. Sec. 702. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrator" means the administrator of the office of marine safety created in section 402 of this act.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred gross tons, including but not limited to, commercial fish processing vessels and freighters.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) a marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Hazardous substances" means any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(9) "Inland barge" means any barge operating on the waters of the state and certified by the coast guard as an inland barge.

(10) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(11) "Office" means the office of marine safety established by section 402 of this act.

(12) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility, as defined in subsection (7) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Onshore facility" means any facility, as defined in subsection (7) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(18) "Spill" means an unauthorized discharge of oil into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Sec. 703. RCW 88.40.020 and 1990 c 116 s 31 are each amended to read as follows:

(1) Any ~~((vessel over three hundred gross tons, that transports petroleum products as cargo, and any))~~ inland barge that transports ~~((oil or))~~ hazardous substances in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish~~((, under rules prescribed by the director of the department of ecology,))~~ evidence of financial responsibility in the amount of the greater of one million dollars, or one hundred fifty dollars per gross ton of such vessel~~((, to meet the liability to the state of Washington for the following: (1) The actual costs for removal of spills of petroleum products or hazardous substances; (2) civil penalties and fines; and (3) natural resource damages)).~~

(2)(a) Except as provided in (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars.

(b) The administrator by rule may establish a lesser standard of financial responsibility for barges of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the barge is capable of carrying. The administrator shall not set the standard for barges of three thousand gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter.

(3) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay the greater of at least six hundred dollars per gross ton or five hundred thousand dollars.

(4) The documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and necessary expenses.

(5) The office may by rule set a lesser amount of financial responsibility for a tank vessel that meets standards for construction, propulsion, equipment, and personnel established by the office. The office shall require as a minimum level of financial

responsibility under this subsection the same level of financial responsibility required under federal law.

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

NEW SECTION. Sec. 704.

An onshore or offshore facility shall demonstrate financial responsibility in an amount determined by the department as necessary to compensate the state and affected counties and cities for damages that might occur during a reasonable worst case spill of oil from that facility into the navigable waters of the state. The department shall consider such matters as the amount of oil that could be spilled into the navigable waters from the facility, the cost of cleaning up the spilled oil, the frequency of operations at the facility, the damages that could result from the spill and the commercial availability and affordability of financial responsibility. This section shall not apply to an onshore or offshore facility owned or operated by the federal government or by the state or local government.

Sec. 705. RCW 88.40.030 and 1990 c 116 s 32 are each amended to read as follows:

Financial responsibility required by this chapter may be established by any one of, or a combination of, the following methods acceptable to the ~~((director of))~~ office of marine safety or the department of ecology: (1) Evidence of insurance; (2) surety bonds; (3) qualification as a self-insurer; or (4) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States. Documentation of such financial responsibility shall be kept on any ~~((barge or tank))~~ covered vessel ((transporting petroleum products or hazardous substances as cargo)) and filed with the ~~((department. The owner or operator of any other vessel shall maintain on the vessel a certificate issued by the United States coast guard evidencing compliance with the requirements of section 311 of the federal clean water act, 33 U.S.C. Sec. 1251 et seq))~~ office at least twenty-four hours before entry of the vessel into the navigable waters of the state. A covered vessel is not required to file documentation of financial responsibility twenty-four hours before entry of the vessel into the navigable waters of the state, if the vessel has filed documentation of financial responsibility with the federal government, and the level of financial responsibility required by the federal government is the same as or exceeds state requirements. The owner or operator of the vessel may file with the office a certificate evidencing compliance with the requirements of another state's or federal financial responsibility requirements if the state or federal government requires a level of financial responsibility the same as or greater than that required under this chapter.

Sec. 706. RCW 88.40.040 and 1989 1st ex.s. c 2 s 5 are each amended to read as follows:

(1) The office shall deny entry to the waters of the state to any vessel that does not meet the financial responsibility requirements of this chapter. Any vessel owner or operator that does not meet the financial responsibility requirements of this chapter and any rules prescribed thereunder or the federal oil pollution act of 1990 shall be reported by the office to the ((secretary of transportation who shall suspend the privilege of operating said vessel until financial responsibility is demonstrated)) United States coast guard.

(2) The office shall enforce section 1016 of the federal oil pollution act of 1990 as authorized by section 1019 of the federal act.

(3) Any onshore or offshore facility owner or operator who does not meet the financial responsibility requirements of section 704 of this 1991 act and any rules adopted by the department or office shall be reported to the secretary of state. The secretary of state shall suspend the facility's privilege of operating in this state until financial responsibility is demonstrated.

"PART VIII
FUNDS"

NEW SECTION. Sec. 801. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of crude oil or petroleum product.

(2) "Crude oil" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline.

(3) "Department" means the department of revenue.

(4) "Marine terminal" means a facility of any kind, other than a waterborne vessel, that is used for transferring crude oil or petroleum products to or from a waterborne vessel or barge.

(5) "Navigable waters" means those waters of the state and their adjoining shorelines that are subject to the ebb and flow of the tide, including the Columbia and Snake rivers.

(6) "Person" has the meaning provided in RCW 82.04.030.

(7) "Petroleum product" means any liquid hydrocarbons at atmospheric temperature and pressure that are the product of the fractionation, distillation, or other refining or processing of crude oil, and that are used as, useable as, or may be refined as a fuel or fuel blendstock, including but not limited to, gasoline, diesel fuel, aviation fuel, bunker fuel, and fuels containing a blend of alcohol and petroleum.

(8) "Taxpayer" means the person owning crude oil or petroleum products immediately before the same are off-loaded at a marine terminal in this state and who is liable for the taxes imposed by this chapter.

(9) "Waterborne vessel or barge" means any ship, barge, or other watercraft capable of travelling on the navigable waters of this state and capable of transporting any crude oil or petroleum product in quantities of ten thousand gallons or more for purposes other than providing fuel for its motor or engine.

NEW SECTION. Sec. 802. (1) An oil spill response tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately before off-loading begins at the rate of two cents per barrel of crude oil or petroleum product off-loaded.

(2) In addition to the tax imposed in subsection (1) of this section, an oil spill administration tax is imposed on the privilege of off-loading crude oil or petroleum products at a marine terminal within this state from a waterborne vessel or barge operating on the navigable waters of this state. The tax imposed in this section is levied upon the owner of the crude oil or petroleum products immediately before off-loading begins at the rate of three cents per barrel of crude oil or petroleum product off-loaded.

(3) The taxes imposed by this chapter shall be collected by the marine terminal operator from the owner of the crude oil or petroleum products off-loaded at the marine terminal. If any person charged with collecting the taxes fails to bill the taxpayer for the taxes, or in the alternative has not notified the taxpayer in writing of the imposition of the taxes, or having collected the taxes, fails to pay them to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the taxes. Payment of the taxes by the owner to a marine terminal operator shall relieve the owner from further liability for the taxes.

(4) Taxes collected under this chapter shall be held in trust until paid to the department. Any person collecting the taxes who appropriates or converts the taxes

collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. The taxes required by this chapter to be collected shall be stated separately from other charges made by the marine terminal operator in any invoice or other statement of account provided to the taxpayer.

(5) If a taxpayer fails to pay the taxes imposed by this chapter to the person charged with collection of the taxes and the person charged with collection fails to pay the taxes to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the taxes.

(6) The taxes shall be due from the marine terminal operator, along with reports and returns on forms prescribed by the department, within twenty-five days after the end of the month in which the taxable activity occurs.

(7) The amount of taxes, until paid by the taxpayer to the marine terminal operator or to the department, shall constitute a debt from the taxpayer to the marine terminal operator. Any person required to collect the taxes under this chapter who, with intent to violate the provisions of this chapter, fails or refuses to do so as required and any taxpayer who refuses to pay any taxes due under this chapter, shall be guilty of a misdemeanor as provided in chapter 9A.20 RCW.

(8) Upon prior approval of the department, the owner of crude oil or petroleum products off-loaded in this state may pay the taxes imposed by this chapter directly to the department. The department shall give its approval for direct payment under this section whenever it appears, in the department's judgment, that direct payment will enhance the administration of the taxes imposed under this chapter. The department shall provide by rule for the issuance of a direct payment certificate to any taxpayer qualifying for direct payment of the taxes. Good faith acceptance of a direct payment certificate by a terminal operator shall relieve the marine terminal operator from any liability for the collection or payment of the taxes imposed under this chapter.

(9) All receipts from the tax imposed in subsection (1) of this section shall be deposited into the state oil spill response account. All receipts from the tax imposed in subsection (2) of this section shall be deposited into the state oil spill administration account.

(10) Within forty-five days after the end of each calendar quarter, the office of financial management shall determine the balance of the oil spill response account as of the last day of that calendar quarter. Balance determinations by the office of financial management under this section are final and shall not be used to challenge the validity of any tax imposed under this chapter. The office of financial management shall promptly notify the departments of revenue and ecology of the account balance once a determination is made. For each subsequent calendar quarter, the tax imposed by subsection (1) of this section shall be imposed during the entire calendar quarter unless:

(a) Tax was imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than twenty-five million dollars; or

(b) Tax was not imposed under subsection (1) of this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars.

(11) The office of marine safety, the department of revenue, and the department of trade and economic development shall study tax credits for taxpayers employing vessels with the best achievable technology and the best available protection to reduce the risk of oil spills to the navigable waters of the state and submit the study to the appropriate standing committees of the legislature by December 1, 1992.

NEW SECTION. Sec. 803. The taxes imposed under this chapter shall only apply to the first off-loading of crude oil or petroleum products at a marine terminal in this state and not to the later transporting and subsequent off-loading of the same oil or petroleum

product, whether in the form originally off-loaded in this state or after refining or other processing.

NEW SECTION. Sec. 804. Credit shall be allowed against the taxes imposed under this chapter for any crude oil or petroleum products off-loaded at a marine terminal and subsequently exported from or sold for export from the state.

NEW SECTION. Sec. 805. The state oil spill response account is created in the state treasury. All receipts from section 802(1) of this act shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. The account shall be used exclusively to pay for the costs associated with the response to spills of crude oil or petroleum products into the navigable waters of the state. Payment of response costs under this section shall be limited to spills which the director has determined are likely to exceed fifty thousand dollars. Before expending moneys from the account, the director shall make reasonable efforts to obtain funding for response costs from the person responsible for the spill and from other sources, including the federal government. Reimbursement for response costs shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

- (1) Natural resource damage assessment and related activities;
- (2) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;
- (3) Interagency coordination and public information related to a response; and
- (4) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 806. The state oil spill administration account is created in the state treasury. All receipts from section 802(2) of this act shall be deposited in the account. Moneys from the account may be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW. On July 1 of each odd-numbered year, if receipts deposited in the account from the tax imposed by section 802(2) of this act for the previous fiscal biennium exceed the amount appropriated from the account for the previous fiscal biennium, the state treasurer shall transfer the amount of receipts exceeding the appropriation to the oil spill response account. If, on the first day of any calendar month, the balance of the spill response account is greater than twenty-five million dollars and the balance of the administration account exceeds the unexpended appropriation for the current biennium, then the tax under section 802(2) of this act shall be suspended on the first day of the next calendar month until the beginning of the following biennium, provided that the tax shall not be suspended during the last six months of the biennium. If the tax imposed under section 802(2) of this act is suspended during two consecutive biennia, the department shall by November 1st after the end of the second biennium, recommend to the appropriate standing committees an adjustment in the tax rate. For the period 1991-93 the state treasurer may transfer funds from the oil spill response account to the oil spill administration account in amounts necessary to support appropriations made from the oil spill administration account in the omnibus appropriations act. Expenditures from the oil spill administration account shall be used exclusively for the administrative costs related to the purposes of this chapter, and chapters 90.48, 88.40, and 88.-- (sections 414 through 436 of this act) RCW. Costs of administration include the costs of:

- (1) Routine responses not covered under section 805 of this act;
- (2) Management and staff development activities;
- (3) Development of rules and policies and the state-wide plan provided for in RCW 90.48.378 as recodified by this act;

(4) Facility and vessel plan review and approval, drills, inspections, investigations, enforcement, and litigation;

(5) Interagency coordination and public outreach and education;

(6) Collection and administration of the tax provided for in chapter 82.-- RCW (sections 801 through 804, 808, and 809 of this act); and

(7) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 807. The director of the department of ecology shall submit a report to the appropriate standing committees of the legislature by November 1 of each even-numbered year showing detailed information regarding expenditures authorized by the director under section 805 of this act. The report shall include, but not be limited to:

(1) The total amount spent for each response for which the director has approved expenditures and the amount paid for from the spill prevention and response account;

(2) The amount recovered from a responsible party for each spill;

(3) The amount of time between a spill and the time a responsible party assumes responsibility for the response costs related to a spill;

(4) The number of incidents for which the director has determined that the responsible party or another source was available to pay for the response; and

(5) A recommendation concerning the need to continue collecting the tax under section 802(1) of this act.

This section shall expire December 31, 1996.

NEW SECTION. Sec. 808. The department shall adopt such rules as may be necessary to enforce and administer the provisions of this chapter. Chapter 82.32 RCW applies to the administration, collection, and enforcement of the taxes levied under this chapter.

NEW SECTION. Sec. 809. The taxes imposed in this chapter shall take effect October 1, 1991.

Sec. 810. RCW 90.48.142 and 1989 c 262 s 2 are each amended to read as follows:

(1) Any person who:

(a)(i) Violates any of the provisions of this chapter((;)) or chapter 90.56 RCW;

(ii) Fails to perform any duty imposed by this chapter((;)) or chapter 90.56 RCW;

(iii) Violates an order or other determination of the department or the director made pursuant to the provisions of this chapter((, including)) or chapter 90.56 RCW;

(iv) Violates the conditions of a waste discharge permit issued pursuant to RCW 90.48.160((, and in the course thereof causes the death of, or injury to, fish, animals, vegetation or other resources of the state,)); or

(v) Otherwise causes a reduction in the quality of the state's waters below the standards set by the department or, if no standards have been set, causes significant degradation of water quality, thereby damaging the same((;)) and

(b) Causes the death of, or injury to, fish, animals, vegetation, or other resources of the state;

shall be liable to pay the state and affected counties and cities damages in an amount ~~((equal to the sum of money necessary to: (a) Restore any damaged resource to its condition prior to the injury, to the extent technically feasible, and compensate for the lost value incurred during the period between injury and restoration; or (b) compensate for the lost value throughout the duration of the injury that the resource previously provided if restoration is not technically feasible and, when only partial restoration is technically feasible, compensate for the remaining lost value. "Technical feasibility" or "technically feasible" shall mean for the purposes of this subsection, that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource prior to the injury.~~

~~(2) Restoration shall include the cost to restock such waters, replenish or replace such resources, and otherwise restore the stream, lake or other waters of the state, including any estuary, ocean area, submerged lands, shoreline, bank, or other lands~~

adjoining such waters to its condition prior to the injury, as such condition is determined by the department. The lost value of a damaged resource shall be equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues. Indirect use values may include existence, bequest, option, and aesthetic values. Damages shall be determined by generally accepted and cost effective procedures.

(3) Such damages shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington in the superior court of Thurston county or the county in which such damages occurred: ~~PROVIDED, That if damages occurred in more than one county the attorney general may bring action in any of the counties where the damages occurred. Any money so recovered by the attorney general shall be transferred to the coastal protection fund established under RCW 90.48.390. A steering committee consisting of representatives of the departments of ecology, fisheries, wildlife, natural resources, and the parks and recreation commission shall authorize the expenditure of the moneys collected under this section after consulting impacted local agencies and local and tribal governments. The department shall chair the steering committee. The moneys collected under this section shall only be used for the following purposes: (a) Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens; (b) investigations of the long term effects of discharges, including sewer sludge, on state resources; and (c) reimbursement of agencies for reasonable reconnaissance and damage assessment costs under this chapter. Agencies may not be reimbursed under this section for the salaries and benefits of permanent employees for routine operational support. Agencies may only be reimbursed under this section if money for reconnaissance and damage assessment activities is unavailable from other sources. In authorizing restoration or enhancement projects, preference shall be given to projects within counties where the injury occurred)~~ determined pursuant to RCW 90.48.367.

(2) No action shall be authorized under this section against any person operating in compliance with the conditions of a waste discharge permit issued pursuant to RCW 90.48.160.

NEW SECTION. Sec. 811. A new section is added to chapter 90.48 RCW to read as follows:

For the purposes of this chapter, "technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the resource before the injury.

Sec. 812. RCW 90.48.366 and 1989 c 388 s 2 are each amended to read as follows:

By July 1, 1991, the department, in consultation with the departments of fisheries, wildlife, and natural resources, and the parks and recreation commission, shall adopt rules establishing a compensation schedule for the discharge of oil in violation of ~~((RCW 90.48.320, by persons liable under RCW 90.48.336))~~ this chapter and chapter 90.56 RCW. The department shall establish a scientific advisory board to assist in establishing the compensation schedule. The amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than fifty dollars per gallon of oil spilled. The compensation schedule shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost for any adverse environmental, recreational, aesthetic, or other effects caused by the ~~((oil))~~ spill and shall take into account:

(1) Characteristics of ~~((the))~~ any oil spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources;

(2) The sensitivity of the affected area as determined by such factors as: (a) The location of the spill; (b) habitat and living resource sensitivity; (c) seasonal distribution

or sensitivity of living resources; (d) areas of recreational use or aesthetic importance; (e) the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law; and (f) other areas of special ecological or recreational importance, as determined by the department; and

(3) Actions taken by the party who spilled ~~((the))~~ oil or any party liable for the spill that: (a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or (b) enhance or impede the detection of the spill, the determination of the ~~((number of gallons))~~ quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as ~~((oiled))~~ injured fish or wildlife.

Sec. 813. RCW 90.48.367 and 1989 c 388 s 3 are each amended to read as follows:

~~(1) ((Prior to assessing compensation under RCW 90.48.366))~~ After a spill or other incident causing damages to the natural resources of the state, the department shall conduct a formal preassessment screening as provided in RCW 90.48.368.

(2) The department shall use the compensation schedule established under RCW 90.48.366 to determine the amount of damages if the preassessment screening committee determines that: (a) Restoration or enhancement of the injured resources is not technically feasible; (b) damages are not quantifiable at a reasonable cost; and (c) the restoration and enhancement projects or studies proposed by the liable parties are insufficient to adequately compensate the people of the state for damages ~~((sustained as a result of the oil spill.~~

~~(2) Compensation shall not be assessed under this section for oil spills for which damages have been or will be assessed under RCW 90.48.142)).~~

(3) If the preassessment screening committee determines that the compensation schedule should not be used, compensation shall be assessed for the amount of money necessary to restore any damaged resource to its condition before the injury, to the extent technically feasible, and compensate for the lost value incurred during the period between injury and restoration.

(4) Restoration shall include the cost to restock such waters, replenish or replace such resources, and otherwise restore the stream, lake, or other waters of the state, including any estuary, ocean area, submerged lands, shoreline, bank, or other lands adjoining such waters to its condition before the injury, as such condition is determined by the department. The lost value of a damaged resource shall be equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues. Indirect use values may include existence, bequest, option, and aesthetic values. Damages shall be determined by generally accepted and cost-effective procedures, including, but not limited to, contingent valuation method studies.

(5) Compensation assessed under this section shall be recoverable in an action brought by the attorney general on behalf of the people of the state of Washington and affected counties and cities in the superior court of Thurston county or any county in which damages occurred. Moneys recovered by the attorney general under this section shall be deposited in the coastal protection fund established under RCW 90.48.390, and shall only be used for the purposes stated in RCW 90.48.400.

~~((4))~~ (6) Compensation assessed under this section ((for a particular oil spill)) shall preclude claims under this chapter by local governments for compensation for damages to publicly owned resources resulting from the same ((spill)) incident.

Sec. 814. RCW 90.48.368 and 1989 c 388 s 4 are each amended to read as follows:

(1) The department shall adopt rules establishing a formal process for preassessment screening of damages resulting from ~~((oil))~~ spills to the waters of the state causing the death of, or injury to, fish, animals, vegetation, or other resources of the state. The rules shall specify the conditions under which the department shall convene a preassessment screening committee. The preassessment screening process shall occur concurrently with reconnaissance activities. The committee shall use information obtained from ~~((oil spill))~~

reconnaissance activities as well as any other relevant resource and resource use information. For each ~~((oil-spill))~~ incident, the committee shall determine whether a damage assessment investigation should be conducted ~~((under RCW 90.48.142)), or ((alternatively))~~, whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 should be used to assess damages. The committee may accept restoration or enhancement projects or studies proposed by the liable parties in lieu of some or all of: (a) The compensation schedule authorized under ~~((this chapter))~~ RCW 90.48.366 and 90.48.367; or (b) the claims from damage assessment studies authorized under RCW 90.48.142.

(2) A preassessment screening committee may consist of representatives of the departments of ecology, fisheries, wildlife, natural resources, social and health services, and emergency management, the parks and recreation commission, as well as other federal, state, and local agencies, and tribal and local governments whose presence would enhance the reconnaissance or damage assessment aspects of ~~((oil))~~ spill response. The department shall chair the committee and determine which representatives will be needed on a spill-by-spill basis.

(3) The committee shall consider the following factors when determining whether a damage assessment study authorized under RCW ~~((90.48.142))~~ 90.48.367 should be conducted: (a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources; (b) the potential loss in services provided by resources injured or likely to be injured and the expected value of the potential loss; (c) whether a restoration project to return lost services is technically feasible; (d) the accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method; (e) the extent to which likely injury to resources can be verified with available quantification methods; and (f) whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) When a resource damage assessment is required for an oil spill in the navigable waters of the state, as defined in RCW 90.48.315 as recodified by this 1991 act, the state trustee agency responsible for the resource and habitat damaged shall conduct the damage assessment and pursue all appropriate remedies with the responsible party.

(5) Oil spill damage assessment studies authorized under RCW ((90.48.142)) 90.48.367 may only be conducted if the committee, after considering the factors enumerated in subsection (3) of this section, determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred.

~~((5))~~ (6) As new information becomes available, the committee may reevaluate the scope of damage assessment using the factors listed in subsection (3) of this section and may reduce or expand the scope of damage assessment as appropriate.

~~((6))~~ (7) The preassessment screening process shall provide for the ongoing involvement of persons who may be liable for damages resulting from an oil spill. The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the compensation authorized under RCW 90.48.366 and 90.48.367 or the damage assessment studies authorized under RCW ~~((90.48.142))~~ 90.48.367.

~~((7))~~ (8) For the purposes of this section and RCW 90.48.367, the cost of a damage assessment shall be considered "reasonable" when the anticipated cost of the damage assessment is expected to be less than the anticipated damage that may have occurred or may occur.

Sec. 815. RCW 90.48.390 and 1989 c 388 s 7 and 1989 c 262 s 3 are each reenacted and amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this

chapter and chapter 90.56 RCW ((90.48.315 through 90.48.365, 78.52.020, 78.52.125, 82.36.330, 90.48.142, 90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907, and 90.48.366 through 90.48.368)). To this fund there shall be credited penalties, fees, damages, ((and)) charges received pursuant to the provisions of this chapter and chapter 90.56 RCW ((90.48.142 and 90.48.315 through 90.48.365)), compensation for damages received under this chapter and chapter 90.56 RCW ((90.48.366 through 90.48.368)), and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW ((90.48.315 through 90.48.365 and RCW 78.52.020, 78.52.125, 82.36.330,)) 90.48.142, ((90.48.315, 90.48.370 through 90.48.410, 90.48.903, 90.48.906 and 90.48.907)) 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of the fund and may be invested in such manner as is provided for by law. Interest received on such investment shall be credited to the fund.

Sec. 816. RCW 90.48.400 and 1990 c 116 s 14 are each amended to read as follows:

(1) Moneys in the coastal protection fund shall be disbursed for the following purposes and no others:

(a) ~~((All costs of the department related to the enforcement of RCW 90.48.315 through 90.48.365, 90.48.371 through 90.48.378, 90.48.381, 90.48.383, 90.48.385, 90.48.387, 90.48.388, 78.52.020, 78.52.125, 82.36.330, 90.48.142, 90.48.903, 90.48.906, and 90.48.907 including but not limited to equipment rental and contracting costs.~~

~~(b) All costs involved in the abatement of pollution related to the discharge of oil and other hazardous substances))~~ Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens;

(b) Investigations of the long-term effects of oil spills; and

(c) Development and implementation of an aquatic land geographic information system.

~~((e))~~ (2) The director may allocate a portion of the fund to be devoted to research and development in the causes, effects, and removal of pollution caused by the discharge of oil or other hazardous substances.

~~((2) Moneys disbursed from the coastal protection fund for the abatement of pollution caused by the discharge of oil or other hazardous substances shall be reimbursed to the fund whenever:~~

~~(a) Moneys are available under any federal program; or~~

~~(b) Moneys are available from a recovery made by the department from the person liable for the discharge of oil or other hazardous substances.~~

~~(3) Moneys collected under RCW 90.48.142 shall only be used for the purposes enumerated in that section, subject to the approval of the steering committee.~~

(4)) (3) A steering committee consisting of representatives of the department of ecology, fisheries, wildlife, and natural resources, and the parks and recreation commission shall authorize the expenditure of the moneys collected under RCW 90.48.366 through 90.48.368, after consulting impacted local agencies and local and tribal governments. ~~((The moneys collected under RCW 90.48.366 through 90.48.368 shall only be used for the following purposes: (a) Environmental restoration and enhancement projects intended to restore or enhance environmental, recreational, or aesthetic resources for the benefit of Washington's citizens; (b) investigations of the long term effects of oil spills and the release of other hazardous substances on state resources; (c) reimbursement of agencies for reasonable reconnaissance and damage assessment costs; and (d) wildlife rescue and rehabilitation.))~~

(4) Agencies may not be reimbursed ~~((under this section))~~ from the coastal protection fund for the salaries and benefits of permanent employees for routine operational support. Agencies may only be reimbursed under this section if money for reconnaissance and damage assessment activities is unavailable from other sources.

Sec. 817. RCW 90.48.369 and 1989 c 388 s 5 are each amended to read as follows:

The department shall submit an annual report to the appropriate standing committees of the legislature for the next five years beginning January 1, 1990. The annual report shall cover the implementation of ~~((this act))~~ RCW 90.48.366, 90.48.367, 90.48.368, and 90.48.369 and shall include information on each ~~((oil))~~ spill for which a preassessment screening committee was convened, the outcome of each process, any compensation claims imposed or damage assessment studies conducted, and the revenues to and expenditures from the coastal protection fund.

"PART IX

MARITIME COMMISSION"

Sec. 901. RCW 88.44.010 and 1990 c 117 s 2 are each amended to read as follows:

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

(1) "Administrator" means the administrator of the office of marine safety created by section 402 of this 1991 act.

(2) "Business class" means a recognized trade segment of the maritime industry.

~~((2))~~ (3) "Commission" means the Washington state maritime commission.

~~((3) "Director" means the director of the department of ecology or their duly authorized representative.)~~

(4) "Fishing vessel" means a vessel ((that)) (a) on which persons commercially engage((s)) in: ((a)) (i) Catching, taking, or harvesting fish; ((b)) (ii) preparing fish or fish products; or ((c)) (b) that supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish.

(5) "Foreign vessel" means a vessel of foreign registry or operated under the authority of a country, except the United States.

(6) "Oil" or "oils" means oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse, liquid natural gas, propane, butane, oils distilled from coal, and other liquid hydrocarbons regardless of specific gravity, or any other petroleum related products.

(7) "Oceanographic research vessel" means a vessel that is employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including those studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(8) "Protection and indemnity club" means a mutual insurance organization formed by a group of shipowners or operators in order to secure cover for various risks of vessel operation, including oil spill costs, not covered by normal hull insurance.

(9) "Public vessel" means a vessel that is owned, or chartered and operated by the United States government, by a state of the United States, or a government of a foreign country and is not engaged in commercial service.

(10) "State" means a state of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

(11) "Steamship agent or agency" means an agent or agency appointed by a vessel owner or operator to enter or clear vessels at ports within the state of Washington and to conduct onshore activities, or contract on behalf of the owner or operator for whatever is required for the efficient operation of the vessel.

(12) "Steamship liner company" means a steamship company maintaining a regular schedule of calls at designated ports of the state of Washington.

(13) "Towboat" means a commercial vessel engaged in, or intending to engage in, the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

(14) "United States flag vessel" means a vessel documented under the laws of the United States or registered under the laws of any state of the United States.

(15) "Vessel" means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water, carrying oil as fuel or cargo, and over three hundred gross registered tons, except oceanographic research vessels, public vessels, vessels being employed exclusively for pleasure, or vessels which, prior to entering Washington waters, have formerly arranged with an officially recognized cleanup cooperative or with a private cleanup contractor for immediate oil spill response.

(16) "Vessel owner or operator" means the legal owner of a vessel and/or the charterer or other person in charge of the day-to-day operation.

(17) "Waters of this state" or "waters of the state of Washington" (~~shall mean all navigable waters within the state of Washington as defined in Article 24, section 1 of the state Constitution~~) has the meaning in RCW 90.48.315 as recodified by this 1991 act.

Sec. 902. RCW 88.44.020 and 1990 c 117 s 3 are each amended to read as follows:

There is created ~~((a))~~ the Washington state maritime commission to be known and designated and declared a corporate body. The powers and duties of the commission shall include the following:

(1) To ~~((elect a chairperson and such other officers as it deems advisable; and to))~~ adopt, rescind, and amend rules and orders for the exercise of its powers, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ, and at its pleasure discharge, a manager, secretary, agents, attorneys, consultants, companies, organizations, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices, incur expenses, enter into contracts, and create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To assess vessels transiting the waters of this state, to collect such assessments, investigate violations, and enforce the provisions of this chapter, except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon;

(6) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(7) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation;

(8) To expend funds for commission-related education and training programs as the commission deems appropriate;

(9) To borrow money and incur indebtedness;

(10) To establish an oil spill first response system, except for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon. This system will provide a mandatory emergency response communications network for vessels involved in commerce in Washington waters, and provide an immediate response to such vessels which, for whatever reason, discharge oil into the state's waters. In the event of an oil spill or threatened oil spill, the system must be able to provide a complete response for the first twenty-four hours after the initial report, which may include, but not be limited to, as needed, response vessel or vessels, boom equipment, skimmers, qualified personnel, and wildlife care centers.

The commission may establish, by or before July 1, 1992, an oil spill first response system for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon;

(11) To enter into contracts with cleanup contractors to provide spill response, or with other organizations or companies for communication services;

(12) To recover oil spill first response system costs from a responsible vessel owner or operator in the event of a spill or threatened release;

(13) To hold response readiness drills with state and federal agencies;

(14) To work with other states' and countries' maritime organizations, cleanup cooperatives, and governmental response agencies; ~~((and))~~

(15) To develop an oil spill contingency plan to comply with state statutes and rules for those vessels covered by the commission, except for vessels operating on the portion of the Columbia river that runs between the states of Washington and Oregon. The commission shall develop an oil spill contingency plan for vessels which transit upon the portion of the Columbia river that runs between the states of Washington and Oregon, not later than January 1, 1993;

(16) To develop a data base from existing information sources, of accidents, groundings, near misses, and oil discharges of all cargo and passenger vessels entering the waters of the state and to report any such information to the office of marine safety for the purposes of preparing a summary of accidents and near miss incidents; and

(17) To report annually to the governor, the office of marine safety, and the appropriate standing committees of the legislature on the commission's work and the number of incidents to which the commission's first response system has responded, and make recommendations to improve the safety of maritime transportation.

Sec. 903. RCW 88.44.030 and 1990 c 117 s 4 are each amended to read as follows:

The commission shall be comprised of nine voting members. ~~((Six))~~ Seven persons ~~((, each representing a))~~ shall be appointed by the governor to represent specific business classes ~~((, shall be elected to membership in the commission and one person shall be appointed by the commission members))~~. Two of the members shall represent steamship liner companies, one American flag and one foreign flag. One member shall represent towboat companies. One member shall represent fishing vessels. One member shall represent steamship agencies serving tramp vessels. One member shall represent protection and indemnity clubs or other marine brokers or insurers of oil spill cleanup costs for vessels operating in Washington waters. One member shall represent steamship agencies serving tramp vessels on the Columbia river. The governor shall also appoint one member with maritime, marine labor, or marine spill cleanup experience and one member from the environmental community with marine experience ~~((shall be appointed from the public by the governor))~~. In addition, the ~~((director, the United States coast guard captain of the port for Puget Sound, the United States coast guard captain of the port for that portion of the Columbia river that runs between Washington and Oregon,))~~ administrator and a state pilot licensed under chapter 88.16 RCW ~~((,))~~ who pilots in the waters of the state of Washington, or their designees, will serve as nonvoting ~~((ex officio))~~ members. The United States coast guard captain of the port for Puget Sound and the United States coast guard captain of the port for that portion of the Columbia river that runs between Washington and Oregon shall be invited to attend meetings of the commission. The state-licensed pilot shall be selected by the Washington state board of pilotage commissioners.

Members of the commission must have had a minimum of five years' experience in their business class and be actively employed by or on behalf of a company within the business class for whom they shall represent. However, the protection and indemnity or insurance member may be a designee of the international group of protection and indemnity clubs, or any such marine insurers engaged in business within the state.

The commission shall meet at least ~~((quarterly every))~~ twice each year.

Sec. 904. RCW 88.44.040 and 1990 c 117 s 5 are each amended to read as follows:

~~((The regular term of office of the members of the commission shall be three years from July 1 following their election and until their successors are elected and qualified. The commission shall hold its annual meeting during the month of October each year for the purpose of electing officers and the transaction of other business and shall hold such other meetings during the year as it shall determine.~~

~~Commission members shall be first nominated and elected in 1990 in the manner set forth in RCW 88.44.050 and shall take office as soon as they are qualified. However, expiration of the term of the respective commission members first elected in 1990 shall be as follows:~~

~~(1) Foreign flag liner and fishing vessel members on July 1, 1991;~~

~~(2) Protection and indemnity club or marine member, and public member on July 1, 1992; and~~

~~(3) All other members on July 1, 1993.))~~ The governor shall appoint members of the commission for three-year terms. The governor shall appoint the chairperson. The members of the commission elected before the effective date of this section shall continue as members until their terms would have expired under section 5, chapter 117, Laws of 1990.

~~The respective terms shall end on June 30 of each third year thereafter. Any vacancies that occur on the commission shall be filled by ((appointment of an eligible person by the other members of the commission, and such appointee shall hold office for the remainder of the term for which they are appointed to fill, so that commission memberships shall be on a uniform staggered basis))~~ the governor to serve out the remainder of the unexpired term.

Sec. 905. RCW 88.44.080 and 1990 c 117 s 9 are each amended to read as follows:

A majority of the voting members of the commission shall constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out-of-state on official commission business. Compensation and reimbursement shall be from commission funds only.

~~((Resignations of commission members will be filled by a majority of the remaining commission members. The appointed commission members shall serve out the remaining term. If a commission member leaves the employment of their respective business class for more than one hundred twenty days, the commission member must resign from that position. A commission member may be removed from the commission for just cause by a two-thirds majority vote of commission members.))~~

Sec. 906. RCW 88.44.110 and 1990 c 117 s 12 are each amended to read as follows:

If it appears from investigation by the commission that the revenue from the assessment levied on vessels under this chapter is inadequate to accomplish the purposes of this chapter, the commission by rule shall ~~((adopt a resolution setting forth the necessities of the industry, the extent and probable cost of the required research, spill cleanup procedures and operations, public and industry education, administrative operations, the extent of public convenience, interest, and necessity, and probable revenue from the assessment levied. After the proper regulatory hearings, the commission may))~~ increase the assessment to a sum determined by the commission to be necessary for those purposes. The rule adopting the increase shall be filed with the administrator. An increase ((becomes effective)) shall not take effect earlier than ninety days after the ((resolution)) rule is adopted ((or on any other date provided for in the resolution)) and filed with the administrator, unless the administrator determines that the increase is not justified.

Sec. 907. RCW 88.44.160 and 1990 c 117 s 17 are each amended to read as follows:

Rules and orders adopted by the commission shall be filed with the ~~((director))~~ administrator and shall become effective pursuant to the provisions of the administrative procedure act.

"PART X
PILOTAGE"

Sec. 1001. RCW 88.16.010 and 1987 c 485 s 1 are each amended to read as follows:

(1) The board of pilotage commissioners of the state of Washington is hereby created and shall consist of the assistant secretary of marine transportation of the department of transportation of the state of Washington, or the assistant secretary's designee who shall be an employee of the marine division, who shall be chairperson, the administrator of the office of marine safety, or the administrator's designee, and ~~((six))~~ seven members appointed by the governor and confirmed by the senate. Each of ~~((said))~~ the appointed commissioners shall be appointed for a term of four years from the date of ~~((said))~~ the member's commission. No person shall be eligible for appointment to ~~((said))~~ the board unless that person is at the time of appointment eighteen years of age or over and a citizen of the United States and of the state of Washington. Two of ~~((said))~~ the appointed commissioners shall be pilots licensed under this chapter and actively engaged in piloting upon the waters covered by this chapter for at least three years immediately preceding the time of appointment and while serving on the board. One pilot shall be from the Puget Sound pilotage district and one shall be from the Grays Harbor pilotage district. Two of ~~((said))~~ the appointed commissioners shall be actively engaged in the ownership, operation, or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of appointment and while serving on the board. One of said shipping commissioners shall be a representative of American and one of foreign shipping. One of the commissioners shall be a representative from a recognized environmental organization concerned with marine waters. The remaining commissioners shall be persons interested in and concerned with pilotage, maritime safety, and marine affairs, with broad experience related to the maritime industry exclusive of experience as either a state licensed pilot or as a shipping representative.

(2) Any vacancy in an appointed position on the board shall be filled by the governor for the remainder of the unfilled term, subject to confirmation by the senate.

(3) ~~((Four))~~ Five members of the board shall constitute a quorum. At least one pilot, one shipping representative, and one public member must be present at every meeting. All commissioners and the chairperson shall have a vote.

Sec. 1002. RCW 88.16.090 and 1990 c 116 s 27 and 1990 c 112 s 1 are each reenacted and amended to read as follows:

(1) A person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter only if appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) A person is eligible to be appointed a pilot if the person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years, a resident of the state of Washington at the time of appointment and only if the pilot applicant holds as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than one thousand six hundred gross tons or as a master of inland steam or motor vessels of not more than one thousand six hundred gross tons, such license to have been held by the applicant for a period of at least two years prior such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, and if the pilot applicant

meets such other qualifications as may be required by the board. A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.05 RCW, but not to exceed one thousand five hundred dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications. The board shall ~~((conduct the examination on a regular date, as prescribed by rule, at least once every two years))~~ hold examinations at such times as will, in the judgment of the board, ensure the maintenance of an efficient and competent pilotage service. An examination shall be scheduled for the Puget Sound pilotage district if there are three or fewer successful candidates from the previous examination who are waiting to become pilots in that district.

(5) The board shall ~~((have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other))~~ develop an examination and grading sheet for each pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants ((on a random basis)) and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a "sample examination" which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or candidate is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(7) The board shall prescribe, pursuant to chapter 34.05 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire

to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board may ~~((prescribe))~~ require vessel simulator training for a pilot applicant~~((, or))~~ and shall require vessel simulator training for a pilot subject to RCW 88.16.105~~((, as it deems appropriate, taking into consideration the economic cost of such training, to enhance that person's ability to perform pilotage duties under this chapter)).~~ The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

(10) The board shall adopt rules to establish time periods and procedures for additional training trips and retesting as necessary for pilots who at the time of their licensing are unable to become active pilots.

Sec. 1003. RCW 88.16.105 and 1987 c 264 s 3 are each amended to read as follows:

The board shall prescribe, pursuant to chapter 34.05 RCW, rules governing the size and type of vessels which a newly licensed pilot may be assigned to pilot on the waters of this state and whether the assignment involves docking or undocking a vessel. The rules shall also prescribe required familiarization trips before a newly licensed pilot may pilot a larger or different type of vessel. Such rules shall be for the first ~~((three))~~ five-year period in which pilots are actually employed.

Sec. 1004. RCW 88.16.110 and 1935 c 18 s 7 are each amended to read as follows:

(1) Every pilot licensed under this chapter shall file with the board not later than the tenth day of January, April, July and October of each year a report for the preceding quarter. Said report shall contain an account of all moneys received for pilotage by him or her or by any other person for ((him)) the pilot or on ((his)) the pilot's account or for his or her benefit. Said report shall state the name of each vessel piloted, the amount charged to and/or collected from each vessel, the port of registry of such vessel, its dead weight tonnage, whether it was inward or outward bound, whether the amount so received, collected or charged is in full payment of pilotage and such other information as the board shall by regulation prescribe.

(2) The report shall include information for each vessel that suffers a grounding, collision, or other major marine casualty that occurred while the pilot was on duty during the reporting period. The report shall also include information on near miss incidents as defined in section 423 of this 1991 act. Information concerning near miss incidents provided pursuant to this section shall not be used for imposing any sanctions or penalties. The board shall forward information provided under this subsection to the office of marine safety for inclusion in the collision reporting system established under section 423 of this 1991 act.

Sec. 1005. RCW 88.16.155 and 1977 ex.s. c 337 s 11 are each amended to read as follows:

(1) The master of any vessel which employs a Washington licensed pilot shall certify ~~((on a form prescribed by the board of pilotage commissioners that the vessel complies with:~~

~~((a) Such provisions of the United States coast guard regulations governing the safety and navigation of vessels in United States waters, as codified in Title 33 of the code of federal regulations, as the board may prescribe; and~~

~~((b) The provisions of current international agreements governing the safety, radio equipment, and pollution of vessels and other matters as ratified by the United States~~

~~Senate and prescribed by the board)) to the United States coast guard before the vessel enters the navigable waters of the state, that the vessel complies with:~~

(a) United States coast guard regulations as codified in 33 C.F.R. Part 161; and

(b) The federal oil pollution act of 1990.

(2) The master of any vessel which employs a Washington licensed pilot shall be prepared to ~~((produce, and any Washington licensed pilot employed by a vessel shall request to see, certificates of the vessel which))~~ certify and indicate to the United States coast guard that the vessel complies with subsection (1) of this section and the rules of the board ~~((promulgated))~~ adopted pursuant to subsection (1) of this section.

(3) If the master of a vessel which employs a Washington licensed pilot cannot certify that the vessel complies with subsection (1) of this section and the rules of the board adopted pursuant to subsection (1) of this section, the master shall certify that:

(a) The vessel will comply with subsection (1) of this section before the time the vessel is scheduled to leave the waters of Washington state; and

(b) The coast guard captain of the port was notified of the noncomplying items when they were determined; and

(c) The coast guard captain of the port has authorized the vessel to proceed under such conditions as prescribed by the coast guard pursuant to its authority under federal statutes and regulations.

(4) ~~((After the board has prescribed the form required under subsection (1) of this section;))~~ No Washington licensed pilot shall offer pilotage services to any vessel on which the master has failed to make a certification required by this section. If the master fails to make a certification the pilot shall:

(a) Immediately inform the United States coast guard and the port captain of the conditions and circumstances by the best possible means; and

(b) Disembark from the vessel as soon as practicable((; and

~~(b) Immediately inform the port captain of the conditions and circumstances by the best possible means; and~~

~~(c) Forward a written report to the board no later than twenty four hours after disembarking from the vessel)).~~

(5) Any Washington licensed pilot who offers pilotage services to a vessel on which the master has failed to make a certification required by this section or the rules of the board adopted under this section shall be subject to RCW 88.16.150, as now or hereafter amended, and RCW 88.16.100, as now or hereafter amended.

(6) The board shall revise the requirements enumerated in this section as necessary to reflect changes in coast guard regulations, federal statutes, and international agreements. All actions of the board under this section shall comply with chapters 34.05 and 42.30 RCW. ~~((The board shall prescribe the time of and method for retention of forms which have been signed by the master of a vessel in accordance with the provisions of this section.))~~

(7) This section shall not apply to the movement of dead ships. The board shall prescribe pursuant to chapter 34.05 RCW, after consultation with the coast guard and interested persons, for the movement of dead ships and the certification process thereon.

"PART XI

MISCELLANEOUS PROVISIONS"

NEW SECTION. Sec. 1101. DEPARTMENT OF NATURAL RESOURCES LEASES. After the effective date of this section, the department of natural resources shall include in its leases for onshore and offshore facilities the following provisions:

(1) Require those wishing to lease, sublease, or re-lease state-owned aquatic lands to comply with the provisions of this chapter;

(2) Require lessees and sublessees to operate according to the plan of operations and to keep the plan current in compliance with this chapter; and

(3) Include in its leases provisions that a violation by the lessee or sublessee of the provisions of this chapter may be grounds for termination of the lease.

Sec. 1102. RCW 90.48.037 and 1987 c 109 s 125 are each amended to read as follows:

The department, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, in the name of the people of the state of Washington as may be necessary to carry out the provisions of this chapter or chapter 90.56 RCW.

Sec. 1103. RCW 90.48.095 and 1987 c 109 s 128 are each amended to read as follows:

In carrying out the purposes of this chapter or chapter 90.56 RCW the department shall, in conjunction with either the ~~((promulgation))~~ adoption of rules ~~((and regulations))~~, consideration of an application for a waste discharge permit or the termination or modification of such permit, or proceedings in ~~((contested cases))~~ adjudicative hearings, have the authority to issue process and subpoena witnesses effective throughout the state on its own behalf or that of an interested party, compel their attendance, administer oaths, take the testimony of any person under oath and, in connection therewith require the production for examination of any books or papers relating to the matter under consideration by the department. In case of disobedience on the part of any person to comply with any subpoena issued by the department, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the department, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. In connection with the authority granted under this section no witness or other person shall be required to divulge trade secrets or secret processes. Persons responding to a subpoena as provided herein shall be entitled to fees as are witnesses in superior court.

Sec. 1104. RCW 90.48.100 and 1987 c 109 s 129 are each amended to read as follows:

The department shall have the right to request and receive the assistance of any educational institution or state agency when it is deemed necessary by the department to carry out the provisions of this chapter or chapter 90.56 RCW.

Sec. 1105. RCW 90.48.156 and 1987 c 109 s 134 are each amended to read as follows:

The department is authorized to cooperate with appropriate agencies of neighboring states and neighboring provinces, to enter into contracts, and make contributions toward interstate and state-provincial projects to carry out the purposes of this chapter and chapter 90.56 RCW.

Sec. 1106. RCW 90.48.240 and 1987 c 109 s 15 are each amended to read as follows:

Notwithstanding any other provisions of this chapter or chapter 90.56 RCW, whenever it appears to the director that water quality conditions exist which require immediate action to protect the public health or welfare, or that a person required by RCW 90.48.160 to obtain a waste discharge permit prior to discharge is discharging without the same, or that a person conducting an operation which is subject to a permit issued pursuant to RCW 90.48.160 conducts the same in violation of the terms of said permit, causing water quality conditions to exist which require immediate action to protect the public health or welfare, the director may issue a written order to the person or persons responsible without prior notice or hearing, directing and affording the person or persons responsible the alternative of either (1) immediately discontinuing or modifying the discharge into the waters of the state, or (2) appearing before the department at the time and place specified in said written order for the purpose of providing to the

department information pertaining to the violations and conditions alleged in said written order. The responsible person or persons shall be afforded not less than twenty-four hours notice of such an information meeting. If following such a meeting the department determines that water quality conditions exist which require immediate action as described herein, the department may issue a written order requiring immediate discontinuance or modification of the discharge into the waters of the state. In the event an order is not immediately complied with the attorney general, upon request of the department, shall seek and obtain an order of the superior court of the county in which the violation took place directing compliance with the order of the department. Such an order is appealable pursuant to RCW 43.21B.310.

Sec. 1107. RCW 90.48.907 and 1971 ex.s. c 180 s 10 are each amended to read as follows:

~~((RCW 90.48.315 through 90.48.365 and this 1971 amendatory act))~~ This chapter, being necessary for the general welfare, the public health, and the public safety of the state and its inhabitants, shall be liberally construed to effect their purposes. No rule, regulation, or order of the department shall be stayed pending appeal under ~~((the provisions of RCW 90.48.315 through 90.48.365 and this 1971 amendatory act))~~ this chapter.

NEW SECTION. Sec. 1108. The department of ecology, the office of marine safety, and the marine oversight board shall study issues related to the transportation and storage of bulk hazardous substances on or near the navigable waters of the state. The study shall develop information on the types, hazards, and quantity of bulk hazardous substances shipped on or stored near the navigable waters, the types of vessels used to transport the substances, the types of facilities at which the substances are transferred or stored, the methods for responding to spills of the substances. The study shall also examine existing regulation of the transporters and facilities, including an examination of requirements for prevention and response planning. The study shall incorporate any recommendations for changes in state laws which the department, office, and board determine are necessary to protect the navigable waters of the state. An interim report shall be completed not later than December 1, 1991, and the final study shall be completed and a report made to the appropriate standing committees of the legislature not later than November 1, 1992.

NEW SECTION. Sec. 1109. The department of ecology shall report to the appropriate standing committees on the effectiveness of chapter 90.56 RCW, and in particular as to how the chapter has been implemented to complement federal law. A report shall be submitted not later than December 1, 1992, and a second report not later than December 1, 1994.

NEW SECTION. Sec. 1110. TIMING FOR STATE MASTER PREVENTION AND CONTINGENCY PLANS. The state-wide master plan required by section 10, chapter 116, Laws of 1990 to be completed by July 1, 1991, shall be completed by July 1, 1991. The additional requirements to the state-wide master plan concerning prevention plans, and an incident command system shall be added to the first annual update submitted to the legislature not later than November 1, 1992.

NEW SECTION. Sec. 1111. TIMING OF CONTINGENCY PLAN RULES. The rules required by RCW 90.48.371 as recodified by this act for facilities and, except as otherwise provided in this section for covered vessels, shall be adopted not later than July 1, 1991. The department shall exclude from the rules to be adopted by July 1, 1991, standards for tank vessels of less than twenty thousand deadweight tons, cargo vessels, and passenger vessels operating on the portion of the Columbia river for which the department determines that Washington and Oregon should cooperate in the adoption of standards for contingency plans. The department, after consultation with the appropriate state agencies in Oregon, shall adopt the rules for standards for contingency plans for this portion of the Columbia river at the earliest possible time, but not later than July 1, 1992.

NEW SECTION. Sec. 1112. A new section is added to chapter 80.50 RCW to read as follows:

In making its recommendations to the governor under this chapter regarding an application that includes transmission facilities for petroleum products, the council shall give appropriate weight to city or county facility siting standards adopted for the protection of sole source aquifers.

NEW SECTION. Sec. 1113. CAPTIONS NOT LAW. Section headings and part headings as used in this chapter shall constitute no part of the law.

NEW SECTION. Sec. 1114. Sections 101, 103, 108 through 110, 201, 203, 204, 304, 501, 805, and 806 of this act are each added to a new chapter in Title 90 RCW to be codified as provided for in section 1115 of this act.

NEW SECTION. Sec. 1115. CODIFICATION INSTRUCTIONS. (1) Parts I through III and sections 501, 805, and 806 of this act shall constitute a new chapter in Title 90 RCW to be codified as chapter 90.56 RCW, and shall be codified and recodified as provided for in this section. The code reviser shall correct all statutory references to these sections to reflect this recodification.

The following sections shall be codified and recodified in the following order:

Section 101 of this act

RCW 90.48.315

Section 103 of this act

RCW 90.48.370

RCW 90.48.365

RCW 90.48.380

RCW 90.48.378

Section 108 of this act

Section 109 of this act

Section 110 of this act

RCW 90.48.387

RCW 90.48.388

Section 201 of this act

RCW 90.48.371

Section 203 of this act

Section 204 of this act

RCW 90.48.372

RCW 90.48.373

RCW 90.48.374

RCW 90.48.375

RCW 90.48.360

RCW 90.48.376

RCW 90.48.377

RCW 90.48.320

RCW 90.48.350

RCW 90.48.325

RCW 90.48.330

RCW 90.48.335

RCW 90.48.336

RCW 90.48.338

Section 304 of this act

RCW 90.48.340

RCW 90.48.355

RCW 90.48.343

Section 501 of this act

Section 805 of this act

Section 806 of this act
RCW 90.48.907.

(2) Sections 801 through 804, 808, and 809 of this act shall constitute a new chapter in Title 82 RCW.

(3) Sections 402, 403, 405, and 407 of this act shall constitute a new chapter in Title 43 RCW.

(4)(a) Sections 414 through 436 of this act shall constitute a new chapter in Title 88 RCW.

(b) RCW 90.48.385 and 90.48.510 are recodified as sections in the new chapter created in (a) of this subsection.

(5) Sections 604 through 607 of this act are each added to chapter 88.16 RCW.

NEW SECTION. Sec. 1116. REPEALER. The following acts or parts of acts are each repealed:

(1) RCW 90.48.345 and 1987 c 109 s 150 & 1969 ex.s. c 133 s 6;

(2) RCW 90.48.381 and 1990 c 116 s 15;

(3) RCW 90.48.410 and 1971 ex.s. c 180 s 6;

(4) RCW 88.40.010 and 1990 c 116 s 30 & 1989 1st ex.s. c 2 s 2;

(5) RCW 88.40.050 and 1989 1st ex.s. c 2 s 6;

(6) RCW 90.48.910 and 1967 c 13 s 25;

(7) RCW 88.44.050 and 1990 c 117 s 6;

(8) RCW 88.44.060 and 1990 c 117 s 7;

(9) RCW 88.44.070 and 1990 c 117 s 8; and

(10) RCW 90.48.383 and 1990 c 116 s 25.

NEW SECTION. Sec. 1117. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 1118. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1119. (1) Sections 101 through 429, 501 through 706, 805 through 807, 810 through 817, and 901 through 1118 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 801 through 804, 808, and 809 of this act shall take effect October 1, 1991.

NEW SECTION. Sec. 1120. Sections 430 through 436 of this act shall take effect July 1, 1997.

On page 1, line 1 of the title, after "substances;" strike the remainder of the title and insert "amending RCW 90.48.315, 90.48.370, 90.48.365, 90.48.380, 90.48.378, 90.48.371, 90.48.373, 90.48.375, 90.48.376, 90.48.377, 90.48.325, 90.48.340, 90.48.350, 42.17.2401, 90.48.385, 90.48.510, 88.16.170, 88.16.180, 88.16.200, 88.40.005, 88.40.020, 88.40.030, 88.40.040, 90.48.142, 90.48.366, 90.48.367, 90.48.368, 90.48.400, 90.48.369, 88.44.010, 88.44.020, 88.44.030, 88.44.040, 88.44.080, 88.44.110, 88.44.160, 88.16.010, 88.16.105, 88.16.110, 88.16.155, 90.48.037, 90.48.095, 90.48.100, 90.48.156, 90.48.240, and 90.48.907; amending 1990 c 116 s 1 (uncodified); reenacting and amending RCW 90.48.390 and 88.16.090; adding a new section to chapter 90.48 RCW; adding new sections to chapter 88.16 RCW; adding a new section to chapter 90.70 RCW; adding a new section to chapter 80.50 RCW; adding a new chapter to Title 90 RCW; adding a new chapter to Title 82 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 88 RCW; creating new sections; recodifying RCW 90.48.315, 90.48.370, 90.48.365, 90.48.380, 90.48.378, 90.48.387, 90.48.388, 90.48.371, 90.48.372, 90.48.373, 90.48.374, 90.48.375, 90.48.360, 90.48.376, 90.48.377, 90.48.320, 90.48.350, 90.48.325,

90.48.330, 90.48.335, 90.48.336, 90.48.338, 90.48.340, 90.48.355, 90.48.343, 90.48.907, 90.48.385, and 90.48.510; repealing RCW 90.48.345, 90.48.381, 90.48.410, 88.40.010, 88.40.050, 90.48.910, 88.44.050, 88.44.060, 88.44.070, 90.48.383; prescribing penalties; providing effective dates; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1027. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1027 as amended by the Senate.

Representatives Rust and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1027 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Fuhrman, Lisk, Morton - 03.

Excused: Representatives Grant, Wood - 02.

Engrossed Substitute House Bill No. 1027 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5170, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ludwig moved that the House insist on its position regarding the House amendments to Senate Bill No. 5170 and ask the Senate for a conference thereon. The motion was carried.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The President has ruled the House amendment to SUBSTITUTE SENATE BILL NO. 5202, beyond the Scope and Object of the bill. The Senate refuses to concur in the House amendment, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ludwig moved that the House refuse to recede from its amendment to Substitute Senate Bill No. 5202 and ask the Senate for a conference thereon. The motion was carried.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5477, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Anderson moved that the House insist on its position regarding the House amendments to Senate Bill No. 5477 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Anderson, Pruitt and McLean as conferees on Senate Bill No. 5477.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5418, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ludwig moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5418 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Appelwick, Riley and Padden as conferees on Substitute Senate Bill No. 5418.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5475, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wineberry moved that the House insist on its position regarding the House amendments to Senate Bill No. 5475 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Jacobsen, Ogden and Wood as conferees on Senate Bill No. 5475.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Cantwell moved that the House insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5555 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Cantwell, Sheldon and Bowman as conferees on Engrossed Substitute Senate Bill No. 5555.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rayburn moved that the House insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5629 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Rayburn, Kremen and Nealey as conferees on Engrossed Substitute Senate Bill No. 5629.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5670, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rayburn moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5670 and again ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5458, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Leonard moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5458 and again ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5266, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House recede from its amendments to Substitute Senate Bill No. 5266 and pass the bill without said amendments. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5266 without the House amendments.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5266 without the House amendments, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Grant, Wood - 02.

Substitute Senate Bill No. 5266 without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 1991

Mr. Speaker:

The President has ruled the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5825 beyond the Scope and Object of the bill, and the Senate asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Hargrove moved that the House recede from its amendments to Engrossed Substitute Senate Bill No. 5825 and pass the bill without said amendments. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5825 without the House amendments.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5825 without the House amendments, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Grant, Wood - 02.

Engrossed Substitute Senate Bill No. 5825 without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5613, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Heavey moved that the House recede from its amendment on page 2, after line 29, to Substitute Senate Bill No. 5613, insist on its position regarding the amendment on page 8, line 12 and ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

April 20, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5188, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Nelson moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5188 and again ask the Senate to concur therein. The motion was carried.

The Speaker assumed the Chair.

HOUSE BILL NO. 1151, by Representatives Ferguson, Appelwick, Winsley, Rasmussen, Tate, Fuhrman, Broback, Moyer, Holland, Dorn, Phillips, Pruitt, H. Sommers, Brumsickle, D. Sommers, Ogden, Ballard, Forner, Grant, Roland, Vance, Morris, Spanel, Paris, Haugen, May, Rayburn, Zellinsky, Silver, Betrozoff, Nealey, Sprengle and Orr

Changing blood and breath alcohol content standards for intoxication.

The House resumed consideration of House Bill No. 1151. (For previous action, see Journal, 100th Day, April 22, 1991, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Appelwick regarding the scope and object of the Senate amendments to House Bill No. 1151.

SPEAKER'S RULING

The Speaker: Representative Appelwick, the Speaker has examined House Bill No. 1151, which is an act relating to changing the blood and breath alcohol content standards for intoxication for those persons under the age of twenty-one. It reduces the BAC level for DWI for these persons from 0.10 to 0.04.

The Senate amendments change the title of the bill -- a parliamentary practice which we frown upon over here -- to remove the reference to "persons under the age of twenty-one" and change the BAC level for persons over twenty-one from 0.10 to 0.08. The Speaker finds that the amendments do change the scope and object of the underlying bill. Representative Appelwick, your point is well taken. The amendments are outside the scope and object of the original House Bill.

MOTION

Mr. Appelwick moved that the House refuse concur in the Senate amendments to House Bill No. 1151 and ask the Senate to recede therefrom. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1268, by House Committee on Appropriations (originally sponsored by Representatives Spanel, Silver, Hine, Forner, Paris, May, P. Johnson, Winsley, Zellinsky, Hochstatter, Nealey, Wynne, Edmondson, Bowman, D. Sommers, Brumsickle, Betrozoff, Wood, Miller, Ballard, Tate, McLean, Jacobsen, Nelson, Jones, Wineberry, Pruitt, Dellwo, R. Johnson, Ogden, Bray, Roland and Basich; by request of Joint Committee on Pension Policy)

Changing provisions relating to retirement service credit.

The House resumed consideration of Substitute House Bill No. 1268. (For previous action, see Journal, 100th Day, April 22, 1991, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Spanel regarding the scope and object of the Senate amendments to Substitute House Bill No. 1268.

SPEAKER'S RULING

The Speaker: Representative Spanel, the Speaker has examined Substitute House Bill No. 1268, which deals with retirement service credits for members of the state retirement systems.

The Senate amendment on page 13, line 11, permits veterans in TRS I to receive up to five years credit for military service. The Speaker finds that this amendment deals with the subject of retirement service credit and is within the scope and object of the bill. Your point, Representative Spanel, is not well taken.

The Senate amendment on page 33, line 1, redefines "surviving spouse" for purposes of the LEOFF I system. The Senate amendment on page 46, line 18, provides retirement COLA's for Plan I members. The Speaker finds that these two Senate amendments are beyond the scope and object of the bill, because they deal with matters other than retirement service credit. Your point on those amendments is well taken.

MOTION

Ms. Spanel moved that the House refuse concur in the Senate amendments to Substitute House Bill No. 1268 and ask the Senate to recede therefrom. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1608, by House Committee on Human Services (originally sponsored by Representatives Leonard, Winsley, Rasmussen, Beck, Anderson, Hargrove, Brekke, Bowman, Dorn, Hine, Rust, Riley, Spanel, H. Myers, Dellwo, Phillips, Haugen, Jacobsen, Jones, R. King, Pruitt, Basich, R. Johnson, Van Luven, Holland, Valle, Paris, Belcher, Sheldon and O'Brien)

Improving services for children.

The House resumed consideration of Substitute House Bill No. 1608. (For previous action, see Journal, 100th Day, April 22, 1991, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Hargrove regarding the scope and object of the Senate amendments to Substitute House Bill No. 1608.

SPEAKER'S RULING

The Speaker: Representative Hargrove, Substitute House Bill No. 1608 deals with children's services provided by the Department of Social and Health Services. It directs the department to assess a sample of the children in its care and to recommend to the Legislature the appropriate reallocation of children's

services. It also deals with staffing requirements for short-term residential facilities, authorizes the department to establish a treatment program for juvenile offenders and to establish a therapeutic family home program.

The Senate amendment deals with matters regarding the delivery of children's services by DSHS. It also establishes a complaint resolution process for foster parents and allows these parents to intervene in actions relating to their foster children. The House Bill basically deals with duties providing children's services by the department; the amendment would expand the scope and object of the bill to deal with a complaint resolution process for foster parents. I find, Representative Hargrove, that your point is well taken. The Senate striking amendment goes beyond the scope and object of the House Bill. Your point is well taken.

MOTION

Ms. Leonard moved that the House refuse concur in the Senate amendments to Substitute House Bill No. 1608 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Leonard, Hargrove and Padden as conferees on Substitute House Bill No. 1608.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1275 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 29.18.022 and 1987 c 110 s 1 are each amended to read as follows:

The names of all candidates for partisan office, for the office of superintendent of public instruction, for public utility district office, and for all judicial offices shall be rotated in each precinct in the manner specified by RCW 29.30.040, 29.30.340, and 29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the last day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with RCW 29.18.045(2), determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) For the purposes of this section and RCW 29.18.045, "filing officer" means the officer with whom declarations of candidacy for an office must be filed.

Sec. 2. RCW 29.30.025 and 1990 c 59 s 80 are each amended to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all sample and absentee ballots. In the case of candidates for city, town, and district office, except for public

utility district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall appear on the general election ballot in the order determined by lot.

Sec. 3. RCW 29.21.010 and 1977 c 53 s 3 are each amended to read as follows:

All cities and towns shall hold primary elections irrespective of type or form of government which shall be nonpartisan and held as provided in RCW 29.13.070, as now or hereafter amended. All districts, except those districts which require ownership of property within ~~((said))~~ the districts as a prerequisite to voting, shall hold primary elections which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All names of candidates to be voted upon at city, town, and such district primary elections, except for public utility district primary elections, shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the city, town, or district general election ballot so that the voter shall have a choice of two candidates for each position: PROVIDED, That no name of any candidate shall appear on the city, town, or district general election ballot unless said candidate shall receive at least five percent of the total votes cast for that office. The sequence of names of candidates printed on the city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the city, town, or district primary and general election ballot need not be rotated.

The purpose of this section is to establish the holding of a primary election, subject to the exemptions as contained in RCW 29.21.015 as now or hereafter amended, as a uniform procedural requirement to the holding of city, town, and district elections and such provisions shall supersede any and all other statutes, whether general or special in nature, having different election requirements.

Sec. 4. RCW 29.30.040 and 1990 c 59 s 94 are each amended to read as follows:

At primaries, the names of candidates for federal, state, and county partisan offices, for the office of superintendent of public instruction, for public utility district office, and for judicial offices shall, for each office or position, be arranged initially in the order determined under RCW 29.30.025. Additional sets of ballots shall be prepared in which the positions of the names of all candidates for each office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. As nearly as possible an equal number of ballots shall be prepared after each change. In making the changes of position between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. The effect of this rotation of the order of the names shall be that the name of each candidate for an office or position shall appear first, second, and so forth for that office or position on the ballots of a nearly equal number of registered voters in that jurisdiction. In a precinct using voting devices, the names of the candidates for each office shall appear in only one sequence in that precinct. The names of candidates for city, town, and district office on the ballot at the primary shall not be rotated.

Sec. 5. RCW 35.02.020 and 1986 c 234 s 3 are each amended to read as follows:

A petition for incorporation must be signed by ~~((qualified))~~ registered voters resident within the limits of the proposed city or town equal in number to ten percent of the ~~((votes cast))~~ number of voters who voted at the last ~~((state))~~ general municipal election and presented to the auditor of the county in which all, or the largest portion of, the proposed city or town is located.

Sec. 6. RCW 35.02.090 and 1986 c 234 s 12 are each amended to read as follows:

The elections on the proposed incorporation and for the nomination and election of the initial elected officials shall be conducted in accordance with the general election laws of the state, except as provided in this chapter. No person is entitled to vote ~~((thereat))~~ unless he or she is a ~~((qualified elector))~~ registered voter of the county, or any of the counties in which the proposed city or town is located, and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election.

Sec. 7. RCW 35.06.020 and 1965 c 7 s 35.06.020 are each amended to read as follows:

When a petition is filed signed by ~~((electors))~~ registered voters of a city or town, in number equal to not less than one-fifth of the votes cast at the last general municipal election, seeking reorganization thereof as a city of a higher class than that indicated by the last preceding federal or state census, the city or town council to which the petition is presented shall forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such town or city in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in complete series. The census shall be verified before an officer authorized to administer oaths and filed with the city or town clerk.

If the census shows such city or town qualified for the class named in the petition, the same proceedings shall be had as if the census were a federal or state census.

If the census shows such city or town not qualified for the class named in the petition, no further proceedings shall be had: PROVIDED, That the city or town may be reorganized as a city or town of the class indicated by the census, upon a proper petition filed within six months from the filing of such census with the clerk, without other or further census.

Sec. 8. RCW 35.06.030 and 1965 c 7 s 35.06.030 are each amended to read as follows:

If the census prescribed in RCW 35.06.020 shows that the city or town belongs to the class named in the petition, the city or town council shall cause notice to be given as in other cases, that at the ~~((the))~~ next general election of the city or town, or at a special election to be called for that purpose, the ~~((electors))~~ voters may vote for or against the advancement, their ballots to contain the words "for advancement" and the words "against advancement."

Sec. 9. RCW 35.06.050 and 1965 c 7 s 35.06.050 are each amended to read as follows:

The clerk shall lay the certificate of election and census before the council at its next regular meeting after the same has been filed in his or her office, and if ~~((it appear that all the votes cast for the advancement are not a majority of the votes cast at the election))~~ a majority of those voting on the advancement are not in favor of advancement, no further proceedings shall be had on that petition; but this shall not bar any new proceedings for such purpose.

Sec. 10. RCW 35.24.020 and 1987 c 3 s 9 are each amended to read as follows:

The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, municipal judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: PROVIDED, That the council may enact an ordinance providing for the appointment of the city clerk, city attorney, and treasurer by the mayor, which appointment shall be subject to confirmation

by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks, city attorneys, and city treasurers shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers and employees; PROVIDED, That the provisions of any such ordinance shall not be inconsistent with any statute; PROVIDED FURTHER, That where the city council finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his or her pleasure may remove all appointive officers except as otherwise provided herein: PROVIDED, That municipal judges shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering ~~((him))~~ the judge incapable of performing the duties of his or her office. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

Sec. 11. RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended to read as follows:

The city council and mayor shall meet on the first Tuesday in January next succeeding the date of each general municipal election, and shall take the oath of office, and shall hold regular meetings at least once during each month but not to exceed one regular meeting in each week, at such times as may be fixed by ordinance.

Special meetings may be called by the mayor by written notice ~~((delivered to each member of the council at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No ordinances shall be passed or contract let or entered into, or bill for the payment of money allowed at any special meeting.

All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance. All meetings of the city council must be public.

Sec. 12. RCW 35.24.190 and 1969 c 101 s 3 are each amended to read as follows:

The members of the city council at their first meeting after each general municipal election and thereafter whenever a vacancy occurs, shall elect from among their number a mayor pro tempore, who shall hold office at the pleasure of the council and in case of the absence of the mayor, perform the duties of mayor except that he or she shall not have the power to appoint or remove any officer or to veto any ordinance. If a vacancy occurs in the office of mayor, the city council at their next regular meeting shall elect from among their number a mayor, who shall serve until a mayor is elected and certified at the next municipal election.

In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

The mayor and the mayor pro tempore shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor or the mayor pro tempore when acting as mayor, shall sign all conveyances made by the city and all instruments which require the seal of the city.

Sec. 13. RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to read as follows:

Every municipal corporation of the fourth class shall be entitled the "Town of" (naming it), and by such name shall have perpetual succession, may sue, and be

sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control ~~((and)), lease, sublease, convey, or otherwise~~ dispose of the same for the common benefit.

Sec. 14. RCW 35.27.070 and 1987 c 3 s 12 are each amended to read as follows:

The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk and a marshal; and may appoint a town attorney, pound master, street superintendent, a civil engineer, and such police and other subordinate officers and employees as may be provided for by ordinance. All appointive officers and employees shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the town council.

Sec. 15. RCW 35.27.130 and 1990 c 212 s 2 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers and employees shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after June 7, 1990.

Sec. 16. RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended to read as follows:

The town council shall meet on the second Tuesday in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at any time by the mayor or by three ~~((councilmen)) councilmembers~~, by written notice ~~((delivered to each member at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three ~~((councilmen)) councilmembers~~.

All meetings of the council shall be held within the corporate limits of the town, at such places as may be designated by ordinance and shall be public.

Sec. 17. RCW 35.27.280 and 1965 c 107 s 2 are each amended to read as follows:

A majority of the ~~((councilmen)) councilmembers~~ shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

mayor shall preside at all meetings of the council. The mayor shall have a vote only in case of a tie in the votes of the ~~((councilmen)) councilmembers~~. In the absence of the mayor the council may appoint a president pro tempore; in the absence of the clerk, the mayor, or president pro tempore, shall appoint one of the councilmembers as clerk pro tempore. The council may establish rules for the conduct of its proceedings and punish

any members or other person for disorderly behavior at any meeting. At the desire of any member, the ayes and noes shall be taken on any question and entered in the journal.

NEW SECTION. Sec. 18. A new section is added to chapter 35.21 RCW to read as follows:

(1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.

(2) For the purposes of this section, (a) "clerk" means the city or town clerk or other person who is lawfully designated to perform the recordkeeping function of that office, and (b) "municipal research council" means the municipal research council created by chapter 43.110 RCW.

(3) The clerk of every city and town is directed to provide to the municipal research council or its designee, promptly after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list or lists promulgated by the municipal research council or its designee from time to time, and may provide such copies without charge. The municipal research council may provide that information to the entity with which it contracts for the provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.

(4) This section is intended to be directory and not mandatory.

Sec. 19. RCW 35A.12.010 and 1985 c 106 s 1 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: **PROVIDED**, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term; **PROVIDED**, That both persons shall be elected to a two-year term when (a) the city council has divided the city into wards pursuant to RCW 35A.12.180, and (b) the terms of office of a majority of the other councilmanic offices expire at such election. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance

shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

Sec. 20. RCW 35A.39.010 and 1967 ex.s. c 119 s 35A.39.010 are each amended to read as follows:

Every code city shall keep a journal of minutes of its legislative meetings with orders, resolutions and ordinances passed, and records of the proceedings of any city department, division or commission performing quasi judicial functions as required by ordinances of the city and general laws of the state and shall keep such records open to the public as required by RCW 42.32.030 and shall keep and preserve all public records and publications or reproduce and destroy the same as provided by Title 40 RCW. Each code city ~~((shall provide three copies of each of its ordinances of general application to the association of Washington cities without charge and))~~ may duplicate and sell copies of its ordinances at fees reasonably calculated to defray the cost of such duplication and handling.

Sec. 21. RCW 41.08.040 and 1973 1st ex.s. c 154 s 60 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members ~~((chairman))~~ chair and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit ~~((of ten percent))~~ in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 22. RCW 41.12.040 and 1937 c 13 s 5 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members (~~chairman~~) chair and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town, or municipality, or promotional and limited to persons already in the service of the police department or of the police department and other departments of said city, town, or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the police department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

(3) The rules and regulations adopted by the commission shall provide for a credit ~~((of ten percent))~~ in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only;

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such;

(5) Hearings and Investigations: How conducted. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed

by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission;

(7) Establish and maintain in card or other suitable form a roster of officers and employees;

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that ~~((men))~~ persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year;

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 23. RCW 42.17.310 and 1991 c 1 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapters 43.163 ((RCW)) and ((chapter)) 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.163 ((RCW and chapters)), 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Effective April 19, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(cc) Personal information in files maintained for patients or clients who have been provided emergency medical services by a publicly operated emergency medical service provider.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 24. RCW 54.08.010 and 1985 c 469 s 55 are each amended to read as follows:

At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten percent of the (~~qualified electors~~) registered voters of the county based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of the county the proposition of creating a public utility district which shall be coextensive with the limits of the county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If the petition be found to be

insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed the petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the county legislative authority which shall submit the proposition to the voters of the county at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to the legislative authority. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms:

Public Utility District No. YES ()
 Public Utility District No. NO ()

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when the petition will be heard. The publication, and all other publications required by this act, shall be in a newspaper of general circulation in the county in which the district is situated. The hearing on the petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of those lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

No public utility district created after September 1, 1979, shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 25. RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without the approval of such proposal by the voters of such district: PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without voter approval of such action.

At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted to the voters of the district by resolution of the public utility district commission or shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the ~~((qualified electors))~~ registered voters of ((such)) the district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed such petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of ~~((said))~~ the district at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to ~~((said))~~ the legislative authority. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms:

Shall Public Utility District No. of County construct or acquire electric facilities for the generation, transmission or distribution of electric power?

Yes ()
No ()

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

Sec. 26. RCW 54.08.080 and 1969 c 106 s 4 are each amended to read as follows:

Any district now or hereafter created under the laws of this state may be dissolved, as hereinafter provided, by a majority vote of the ~~((qualified electors))~~ registered voters of ((such)) the district at any general election upon a resolution of the district commission, or upon petition being filed and such proposition for dissolution submitted to ~~((said electors))~~ the voters in the same manner provided by chapter 54.08 RCW for the creation of public utility districts. The returns of the election on such proposition for dissolution shall be canvassed and the results declared in the same manner as is provided by RCW 54.08.010: PROVIDED, HOWEVER, That any such proposition to dissolve a district shall not be submitted to the ~~((electors))~~ voters if within five years prior to the filing of such petition or resolution such district has undertaken any material studies or material action relating to the construction or acquisition of any utility properties or if such district at the time of the submission of such proposition is actually engaged in the operation of any utility properties.

If a majority of the ~~((votes-cast))~~ registered voters voting on the dissolution at the election favor dissolution, the commission of the district shall petition, without any filing fee, the superior court of the county in which such district is located for an order authorizing the payment of all indebtedness of the district and directing the transfer of any surplus funds or property to the general fund of the county in which such district is organized.

NEW SECTION. Sec. 27. Sections 1 and 3 of this act shall expire July 1, 1992.

NEW SECTION. Sec. 28. Sections 2 and 4 of this act shall take effect July 1, 1992.

Sec. 29. RCW 35.02.078 and 1986 c 234 s 10 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated if the boundary review board approves or modifies and approves the proposal, or if the county legislative authority does not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or the approval or modification and approval by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives ~~((forty))~~ thirty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed. This three-year prohibition shall not apply to any proposed city or town in which such election was held after September 1, 1990, but before the effective date of this section and the vote in favor of the incorporation received thirty percent or more of the total on the question of incorporation.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation or, if the incorporation election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election or, if the primary election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July.

Sec. 30. RCW 35.14.010 and 1985 c 281 s 24 are each amended to read as follows:

Whenever unincorporated territory is annexed by a city or town pursuant to the provisions of chapter 35.13 RCW, or whenever unincorporated territory is annexed to a code city pursuant to the provisions of chapter 35A.14 RCW, community municipal corporations may be organized ~~((in the manner provided for in this 1967 amendatory act))~~ for the territory comprised of all or a part of an unincorporated area annexed to a city or town pursuant to chapter 35.13 or 35A.14 RCW, if: (1) The service area is such as would be eligible for incorporation as a city or town; or (2) the service area has a minimum population of not less than three hundred inhabitants and ten percent of the population of the annexing city or town; or (3) the service area has a minimum population of not less than one thousand inhabitants.

Whenever two or more cities are consolidated pursuant to the provisions of chapter 35.10 RCW, a community municipal corporation may be organized within one or more of the consolidating cities.

No territory shall be included in the service area of more than one community municipal corporation. Whenever a new community municipal corporation is formed embracing all of the territory of an existing community municipal corporation, the prior existing community municipal corporation shall be deemed to be dissolved on the effective date of the new corporation.

NEW SECTION. Sec. 31. A new section is added to chapter 35.10 RCW to read as follows:

Voters of one or more of the cities that are proposed to be consolidated may have a ballot proposition submitted to them authorizing the simultaneous creation of a community municipal corporation and election of community council members as provided for under chapter 35.14 RCW. The joint resolution that initiates a consolidation under RCW 35.10.410 may provide for the question of whether a community municipal corporation shall be created to be submitted to the voters of one or more of the cities that are proposed to be consolidated as a separate ballot measure from the ballot measure authorizing the consolidation or as part of the same ballot measure authorizing the consolidation. The petitions that are signed by the voters of each of the cities that are proposed to be consolidated under RCW 35.10.420 may provide for the question of whether to create a community municipal corporation to be submitted to the voters of that city as a separate ballot measure from the ballot measure authorizing the consolidation or as part of the same ballot measure authorizing the consolidation.

The ballots shall contain the words "For consolidation and creation of community municipal corporation" and "Against consolidation and creation of community municipal corporation," or "For creation of community municipal corporation" and "Against creation of community municipal corporation," as the case may be. Approval of either optional ballot proposition shall be by simple majority vote of the voters voting on the proposition, but the consolidation must be authorized by the voters of each city proposed to be consolidated before a community municipal corporation is created.

NEW SECTION. Sec. 32. A new section is added to chapter 35A.14 RCW to read as follows:

The resolution initiating the annexation of territory under RCW 35A.14.015, and the petition initiating the annexation of territory under RCW 35A.14.020, may provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in chapter 35.14 RCW, as separate ballot measures or as part of the same ballot measure authorizing the annexation, or for the simultaneous inclusion of the annexed area into a named existing community municipal corporation operating under chapter 35.14 RCW, as separate ballot measures or as part of the same ballot measure authorizing the annexation. If the petition so provides for the creation of a community municipal corporation and election of community council members, the petition shall describe the boundaries of the proposed service area, state the number of voters residing therein as nearly as may be, and pray for the election of community council members by the voters residing in the service area.

The ballots shall contain the words "For annexation and creation of community municipal corporation" and "Against annexation and creation of community municipal corporation," or "For creation of community municipal corporation" and "Against creation of community municipal corporation," as the case may be. Approval of either optional ballot proposition shall be by simple majority vote of the voters voting on the proposition, but the annexation must be authorized before a community municipal corporation is created.

Sec. 33. RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except that: (1) The total vote cast upon the proposition to form a hospital district shall exceed forty percent of the total number of votes cast in the precincts comprising the proposed district at the preceding general and county election; and (2) in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general and county election. If the public hospital district is coextensive with the limits of a county and if the county is not operating under a home rule charter, then, at the first election of commissioners and until any change is made in the boundaries of the public hospital district commissioner districts in accordance with RCW 29.70.100, one public hospital district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public hospital district is located. If the public hospital district comprises only a portion of a county or encompasses portions of more than one county, or if the public hospital district is located in a county operating under a home rule charter, then the petition for the formation of the public hospital district shall describe three public hospital district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, and, at the first election of commissioners and until any change is made in the boundaries of the public hospital district commissioner districts in accordance with RCW 29.70.100, one commissioner shall be elected from each of the public hospital district commissioner districts described in the petition. If the boundaries described in the petition for the formation of a public hospital district are changed prior to the election on the proposition for the formation of the public hospital district, then the auditor of the county in which the public hospital district is located or, if the public hospital district encompasses portions of more than one county, the auditor of the county in which the largest portion of the public hospital district is located shall redetermine the boundaries of the commissioner districts in accordance with the above provisions. Any candidate for a particular public hospital district commissioner district position must be a registered voter of that commissioner district. Public hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.01.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts ((encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by

~~the entire district. Not more than one commissioner shall reside in any one district. PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years. PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section)) created with five or seven commissioners pursuant to RCW 70.44.051 the commissioners shall be elected and the initial terms of office shall be determined as provided in RCW 70.44.055 and 70.44.057.~~

NEW SECTION. Sec. 34. This act shall not be construed as affecting any public hospital district created prior to the effective date of this act.

NEW SECTION. Sec. 35. A new section is added to chapter 36.32 RCW to read as follows:

A county when calling for competitive bids for the procurement of road maintenance materials may award to multiple bidders for the same commodity when the bid specifications provide for the factors of haul distance to be included in the determination of which vendor is truly the lowest price to the county. The county may readvertise for additional bidders and vendors if it deems it necessary in the public interest.

NEW SECTION. Sec. 36. Tax levies authorized by voter approval of a ballot proposition submitted by a city under RCW 84.55.050 at an election held prior to 1988 for the purpose of funding the cost of library improvements, plus the costs of borrowing such amount for up to twenty years, may be levied in the amounts and in the years authorized by the voters in addition to the levies otherwise allowed by this chapter until the expiration of the limited period or satisfaction of the limited purpose so authorized, whichever comes first, notwithstanding the provisions of RCW 84.55.050(2). This act is curative and shall apply retroactively to all limited ballot propositions described herein. The elections at which any such ballot propositions were submitted, and the tax levies authorized thereby, shall be valid and effective in all respects. This act shall not be construed to adversely affect the validity or reduce the amount of any tax levies authorized by any other ballot proposition heretofore or hereafter submitted under RCW 84.55.050.

NEW SECTION. Sec. 37. It is the purpose of this chapter to regulate certain adult entertainment businesses to promote the health, safety, and welfare of the citizens of the state of Washington. The legislature finds that these businesses, when unregulated, promote illegal activities including obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

NEW SECTION. Sec. 38. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult entertainment business" means a nightclub, bar, restaurant, theater, concert hall, auditorium, or similar commercial establishment that regularly features live performances by nude or seminude persons.

(2) "Applicant" means a person or persons applying for a license under this chapter.

(3) "Business license" means a license issued by the department under this chapter to an adult entertainment business.

(4) "Department" means the department of licensing.

(5) "Director" means the director of licensing.

(6) "Licensee" means a person or persons in whose name a license has been issued under this chapter.

(7) "Nude" means a state of dress that exposes a person's bare buttock, anus, genital, or breast, or a state of dress which fails to cover opaquely a person's buttock, anus, genital, or areola of the breast.

(8) "Own or operate" means a person has a substantial interest in an adult entertainment business.

(9) "Performer's license" means a license issued by the department under this chapter to a performer in an adult entertainment business.

(10) "Seminude" means a state of dress other than nude that, with respect to a person's torso, opaquely covers only the buttocks, anus, genitals, and areolae of the breasts, as well as portions of the body covered by supporting straps or devices.

(11) "Substantial interest" means the interest possessed by a person when:

(a) With respect to a sole proprietorship, the person, or his or her marital community, owns, operates, manages, or conducts, directly or indirectly, the business, or any part of it; or

(b) With respect to a partnership, the person or his or her marital community, shares in any of the profits, or potential profits, of the business; or

(c) With respect to a corporation, the person or his or her spouse, is an officer, or director, or the person or his or her marital community is a holder, directly or beneficially, of ten percent or more of any class of stock of the business; or

(d) With respect to an organization not covered in (a), (b), or (c) of this subsection, the person or his or her spouse, is an officer or manages the business affairs, or the person or his or her marital community is owner of or otherwise controls ten percent or more of the assets of the business; or

(e) The person, or his or her marital community, furnishes ten percent or more of the capital, whether in cash, goods, or services, for the operation of the business during any calendar year.

NEW SECTION. Sec. 39. (1) It is a gross misdemeanor for a person to own, operate, or manage, or act as the agent for one who owns, operates, or manages, an adult entertainment business in the state of Washington unless the person has obtained a business license pursuant to this chapter.

(2) It is a gross misdemeanor for a performer to appear nude or seminude in an adult entertainment business unless the performer has obtained a performer's license pursuant to this chapter.

NEW SECTION. Sec. 40. (1) Each owner, operator, manager, or agent of a business must obtain and maintain a separate business license.

(2) An application for a business license must be made on a form provided by the department. The applicant shall provide: (a) The name, address, phone number, and date of birth of the applicant; (b) two passport-size color photographs of the applicant; (c) the applicant's principal occupation; (d) a description of the proposed establishment; (e) the nature of the proposed business; (f) the trade name of the proposed business; (g) location of the proposed business; (h) a list of all prior business license numbers; (i) a record of all prior criminal convictions for any offense listed under section 57(1) of this act; and (j) such other information as the department may require by rule.

(3) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 65 of this act.

(4) At the time of applying, the applicant shall post notice of the application at the proposed business location in a form and manner as required by the department by rule.

NEW SECTION. Sec. 41. (1) The department shall grant or refuse a business license in accordance with this chapter.

(2) Every business license shall be issued in the name of the applicant or applicants, and the holder of a license shall not allow any other person to use it.

(3) No business license may be issued to:

(a) An individual, partnership, or corporation, unless qualified to obtain a business license, as provided in this chapter;

(b) An applicant whose business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications as are required of the business licensee;

(c) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington;

(d) An applicant who is under eighteen years of age;

(e) An applicant who has failed to provide information reasonably necessary for issuance of the business license or who has falsely answered a question or request for information on the application form; or

(f) An applicant who has proposed the location of the business within a zone where such use is prohibited by state or local authority.

(4) Upon receipt of an application for a business license, the department shall give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a business license within an incorporated city or town, or to the county legislative authority, if the application is for a business license outside the boundaries of incorporated cities or towns, or to all the appropriate executive officers in the case of a regional adult entertainment business plan. Upon the granting of a business license under this chapter the department shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns, or to all chief executive officers of impacted cities, towns, or counties participating in a regional adult entertainment business plan.

(5)(a) Except as set forth in (b) of this subsection, the department shall not issue an initial business license covering any premises, if at the time the initial license is to be issued the premises are within a buffer zone of one thousand feet surrounding any residential zone, single or multifamily dwelling, church, park, playground, day care center, or elementary or secondary school. The one thousand feet shall be measured on a straight line between the closest points of the property on which the premises are located and the property of the residential zone, dwelling, church, park, playground, day care center, or school. For the purpose of this section, church means a building erected for and used exclusively for religious worship and schooling or other activity in connection with the worship and schooling. The department may rely on the measurements of the relevant local jurisdictions in determining the boundaries of a buffer zone.

(b) The legislative authority of a city, town, or county:

(i) May establish a buffer zone less than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be greater as a result of the smaller buffer zone or (B) that failure to establish a smaller buffer zone will effectively prohibit any adult entertainment business in the city, town, or county and there is no regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses; or

(ii) May establish a buffer zone greater than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be reasonably and effectively mitigated without the larger buffer zone and (B) that establishing a larger buffer zone will not effectively prohibit any adult entertainment business in the city, town,

or county, or that there is a regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses.

(c) If the location requirements established pursuant to this chapter effectively preclude location of adult entertainment businesses within a city, town, or county, such city, town, or county shall join with neighboring cities, towns, or counties in a regional adult entertainment business location plan in order to provide reasonable opportunity for location of adult entertainment businesses in the regional area.

NEW SECTION. Sec. 42. (1) The department may, subject to the provisions of this chapter and as provided by rule, suspend or cancel a business license; and all rights of the licensee under this chapter shall be suspended or terminated, as the case may be.

(2) Upon receipt of notice of the suspension or cancellation of a business license, the licensee shall forthwith deliver the license to the department. Where the business license has been suspended only, the department shall return the license to the licensee at the expiration or termination of the period of suspension.

NEW SECTION. Sec. 43. (1) Every business license issued under this chapter is subject to all conditions and restrictions imposed by this chapter. All conditions and restrictions imposed by the department in the issuance of an individual business license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(2) Every business licensee shall post and keep posted its license in a conspicuous place on the premises.

NEW SECTION. Sec. 44. The department shall not issue a business license to a transferee until the transferee has applied for and received a business license under this chapter.

NEW SECTION. Sec. 45. (1)(a) At the time of the original issuance of a business license, the department shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless canceled sooner, every business license issued by the department shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the department deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for business licenses. If such a system of staggered annual renewal dates is established by the department, the business license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(2) The adult entertainment business license fee shall be established under RCW 43.24.086, but shall be at least seven hundred fifty dollars per annum, and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to a denial of the license by the department.

NEW SECTION. Sec. 46. (1) The holder of a business license may not assign or transfer the license, except that a transfer may be made to the surviving spouse of a deceased licensee if the transferor and transferee were maintaining a marital community and the license was issued in the name of one or both of them.

(2) A change in an owner or operator of a licensed business or a change in the manager or agent of a business must be reported to the department within thirty days, and any new owner, operator, manager, or agent must meet the requirements of section 41 of this act. The department shall charge a fee established under RCW 43.24.086 that is at least seventy-five dollars for the processing of a change in an owner, operator, manager, or agent.

NEW SECTION. Sec. 47. The department in suspending a business license may further provide in the order of suspension that such suspension shall be vacated upon payment to the department by the licensee of a monetary penalty in an amount fixed by the department but not to exceed ten thousand dollars.

NEW SECTION. Sec. 48. (1)(a) An application for a performer's license must be made on a form provided by the department. The performer shall provide the following: (i) The performer's name, including all aliases, address, phone number, and date of birth; (ii) two passport-size color photographs of the performer; (iii) principal occupation; (iv) the name and address of any business, if known, at which the performer will perform; (v) a list of all prior performer's license numbers; (vi) a record of all prior criminal convictions for any offense listed under section 57(1) of this act; and (v) such other information as the department may require by rule.

(b) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 65 of this act.

(c) Identifying information provided by an applicant under this subsection is exempt from public disclosure, and the department shall not disclose such information except to the extent necessary to carry out its responsibilities under this chapter, or to comply with a request from another governmental entity, or to comply with a court order.

(2) No performer's license may be issued to:

(a) A performer who is under eighteen years of age;

(b) A performer who has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(3) The performer's license fee shall be established under RCW 43.24.086, but shall be at least seventy-five dollars per annum and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to denial of the license by the department.

(4) Every performer shall keep his or her performer's license on the premises while performing.

NEW SECTION. Sec. 49. Every business licensed under section 41 of this act shall file monthly reports with the department pursuant to rule. The reports shall include the following: (1) The name, address, date of birth, and the performer's license number for all performers appearing nude or seminude during the month; and (2) such further information as the department may require.

NEW SECTION. Sec. 50. An action, order, or decision of the department as to a denial of an application for the issuance or renewal of a business or performer's license or as to a revocation, suspension, or modification of a license is subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing must be provided a licensee prior to a revocation or modification of a business or performer's license and, except as provided in subsection (3) of this section, prior to the suspension of a license.

(2) No hearing shall be required until demanded by the applicant or licensee.

(3) The department may summarily suspend a business or performer's license for a period of up to thirty days without a prior hearing if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined.

NEW SECTION. Sec. 51. No provision in this chapter limits the authority of cities, towns, and counties from further regulating adult entertainment businesses as to hours of operation, location of premises, or manner of operation.

The provisions of this chapter relating to the licensing of any adult entertainment business shall not be exclusive and any city, town, or county within whose jurisdiction the adult entertainment business is located may require any registrations or licenses, or charge any fee for the same or similar purpose; and nothing in this chapter shall limit or abridge the authority of any city, town, or county to levy and collect a general and

nondiscriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within the city, town, or county.

NEW SECTION. Sec. 52. The director has the following authority:

(1) To adopt, amend, or repeal such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of conduct in violation of this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) To take emergency action ordering summary suspension of a business or performer's license, or restriction or limitation of the licensee's practice pending further disciplinary action under section 57 of this act;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(8) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(9) To grant or deny business or performer's license applications, and to impose any sanction against a license applicant or license holder provided by this chapter;

(10) To establish or increase in accordance with RCW 43.24.086 business and performer's license fees above the minimum set by this chapter;

(11) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(12) To designate individuals authorized to sign subpoenas and statements of charges; and

(13) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 53. A person, including but not limited to a customer, licensee, corporation, organization, or state or local governmental agency, may submit a written complaint to the department charging a business or performer's license holder or applicant with a violation of this chapter. If the department determines that the complaint merits investigation, or if the department has reason to believe, without a formal complaint, that a license holder or applicant may have violated this chapter, the department may investigate to determine whether there has been a violation. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

NEW SECTION. Sec. 54. (1) If the department determines, upon investigation pursuant to section 53 of this act, that there is reason to believe a violation of this chapter has occurred, a statement of charge or charges may be prepared and served upon the business or performer's license holder or applicant. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, upon which the director or the director's designee may enter an order pursuant to RCW 34.05.440(1).

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

NEW SECTION. Sec. 55. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings requested under section 54 of this act.

NEW SECTION. Sec. 56. (1) Upon a finding that a business or performer's license holder or applicant has engaged in conduct or violated conditions that are grounds for denial of a license or for disciplinary action under section 57 of this act, the director may issue an order providing for one or any combination of the following:

- (a) Revocation of the license;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Censure or reprimand;
- (d) Compliance with conditions of probation for a designated period of time;
- (e) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation, which shall be paid to the department;
- (f) Denial of the license request.

(2) Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

NEW SECTION. Sec. 57. The following conduct, acts, or conditions, constitute grounds for denial of a license or for disciplinary action against any business or performer's license holder or applicant under the jurisdiction of this chapter:

(1) With respect to a license holder, commission of an act that constitutes an obscenity or pornography offense under chapter 9.68 RCW, a sexual exploitation of children offense under chapter 9.68A RCW, an assault under chapter 9A.36 RCW, a sexual offense under chapter 9A.44 RCW, a prostitution or indecent exposure offense under chapter 9A.88 RCW, a drug offense under chapter 69.41, 69.50, 69.52, or 69.53 RCW, or a substantially similar ordinance adopted by the legislative authority of a city, town, or county or other state statute. Conviction in a criminal proceeding is not a condition precedent to disciplinary action under this section. Upon a conviction, however, the judgment and sentence is conclusive evidence at an ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes a plea of guilty or nolo contendere and also includes all sentence deferrals or suspensions;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in license reinstatement;

(3) All advertising that is false, fraudulent, or misleading;

(4) Failure to cooperate with the department in the conduct of an investigation by:

(a) Not furnishing any requested papers or documents;

(b) Not furnishing in writing a full and complete explanation regarding the matter under investigation; or

(c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the subject of the investigation;

(5) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(6) Aiding and abetting an unlicensed person to own or operate a business or to perform when a license is required;

(7) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative,

or by the use of threats or harassment against any witness to prevent him or her from providing evidence in a disciplinary proceeding or any other legal action;

(8) Violating this chapter or any rule adopted pursuant to this chapter.

NEW SECTION. Sec. 58. (1) The director shall investigate complaints under this chapter concerning ownership or operation of a business without a license or performing without a license. In the investigation of the complaints, the director shall have the same authority as provided the director under section 52 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has owned or operated a business without a license, or has performed without a license, in violation of this chapter. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order before the notice and hearing. A cease and desist order does not relieve the person so owning or operating a business or performing without a license from criminal prosecution. The remedy of a cease and desist order is in addition to any criminal liability. A cease and desist order is conclusive proof of unlicensed practice and may be enforced through remedial sanctions under chapter 7.21 RCW. Enforcement of the cease and desist order under chapter 7.21 RCW may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(2) The attorney general, a county prosecuting attorney, the department, or any person may, in accordance with the law of this state governing injunctions, maintain an action to enjoin any person owning or operating a business, or performing, without a license required by this chapter from continuing such ownership, operation, or performing until the required license is secured. However, an injunction does not relieve a person from criminal prosecution and the remedy by injunction is in addition to any criminal liability.

NEW SECTION. Sec. 59. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 60. (1) The director or individuals acting on the director's behalf are immune from suit in any civil or criminal action based on any disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Legislative authorities of cities, towns, and counties are immune from suit in any civil or criminal action based on any official acts performed in the course of their duties in the administration or enforcement of this chapter.

In any challenge to location, distance, or conduct requirements imposed by the legislative authority of a city, town, or county pursuant to this chapter, the legislative authority may request that the state assume some or all of the obligation to defend the constitutionality of this chapter. The attorney general may grant or deny the request. Nothing in this chapter creates any state liability for actions of a city, town, or county.

NEW SECTION. Sec. 61. Existing adult entertainment businesses are exempt from any location restrictions imposed by this chapter until January 1, 1995.

NEW SECTION. Sec. 62. It is a gross misdemeanor for any person to permit any person under the age of eighteen on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 63. It is a class C felony for any person to employ or permit any person under the age of eighteen to appear nude or seminude on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 64. Sections 37 through 63 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 65. A new section is added to chapter 43.43 RCW to read as follows:

The department of licensing may request information from the Washington state patrol criminal identification system regarding the conviction of offenses listed under section 57(1) of this act for any applicant or for a license holder who is the subject of an investigation under section 53 of this act.

Sec. 66. RCW 7.48A.040 and 1985 c 235 s 1 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil fine and judgment of an amount as the court shall determine to be appropriate. In imposing the civil fine, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of (~~twenty-five~~) fifty thousand dollars or these profits.

NEW SECTION. Sec. 67. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 68. Sections 37 through 70 of this act shall take effect January 1, 1992. The department of licensing may take such steps before then, including the adoption of rules, as are necessary to ensure that sections 37 through 70 of this act are implemented on January 1, 1992.

NEW SECTION. Sec. 69. The municipal research council, created under chapter 43.110 RCW, in conjunction with the association of Washington cities, shall report to the legislature by January 1, 1993, regarding the implementation of the regulation of certain adult entertainment businesses as provided in sections 37 through 68 of this act. The report shall also examine the effectiveness of these provisions in reducing illegal activity on or near the adult entertainment businesses, and contain further suggested legislative enactments designed to reduce illegal activities associated with these businesses, including, but not limited to, obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

NEW SECTION. Sec. 70. The provisions of the open public meetings act, contained in chapter 42.30 RCW, shall apply to all meetings conducted by the governing body of a public agency regarding the regulation of adult entertainment businesses pursuant to sections 37 through 69 of this act.

NEW SECTION. Sec. 71. PURPOSE. Voters of the unincorporated areas of the state are authorized to establish community councils as provided in this chapter.

It is the purpose of this chapter to provide voters of unincorporated areas with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt community comprehensive plans and community zoning ordinances that are consistent with components or portions of the county comprehensive plan that the county legislative authority designates as having area-wide applicability and importance. Community comprehensive plans shall replace components or portions of the county comprehensive plan that are not designated as having area-wide applicability and importance, and the subarea plan that the county legislative authority may have adopted for the community. In addition, it is the purpose of this chapter to have community councils serve as forums for the discussion of local issues.

NEW SECTION. Sec. 72. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means a portion of the unincorporated area of a county for which a community council has been established.

(2) "Community comprehensive plan" means a comprehensive plan adopted by a community council.

(3) "Community council" means the governing body established under this chapter to adopt community comprehensive plans and community zoning ordinances for a community.

(4) "Community zoning ordinances" means the zoning ordinances adopted by a community council to implement a community comprehensive plan.

NEW SECTION. Sec. 73. MINIMUM REQUIREMENTS FOR A COMMUNITY COUNCIL. A community for which a community council is created may include only unincorporated territory located in a single county and not included within a city or town. A community council must have at least one thousand persons residing within the community when the community council is created or, where the community only includes an entire island, at least three hundred persons must reside on the island when the community council is created. Any portion of such a community that is annexed by a city or town, or is incorporated as a city or town, shall be removed from the community upon the effective date of the annexation or the official date of the incorporation.

NEW SECTION. Sec. 74. CREATION. (1) The process to create a community council shall be initiated by the filing of petitions with the county auditor of the county in which the community is located which: (a) Call for the creation of a community council; (b) set forth the boundaries for the community; (c) indicate the number of community councilmembers, which shall be five, seven, nine, or eleven; and (d) contain signatures of voters residing within the community equal in number to at least ten percent of the voters residing in the community who voted at the last state general election. The county auditor shall determine if the petitions contain a sufficient number of valid signatures and certify the sufficiency of the petitions within fifteen days of when the petitions were filed. If the petitions are certified as having sufficient valid signatures, the county auditor shall transmit the petitions and certificate to the county legislative authority.

(2) The county legislative authority shall hold a public hearing within the community on the creation of the proposed community council no later than sixty days after the petitions and certificate of sufficiency were transmitted to the county legislative authority. Notice of the public hearing shall be published in a newspaper of general circulation in the community for at least once a week for two consecutive weeks, with the last date of publication no more than ten days prior to the date of the public hearing. At least ten days before the public hearing, additional notice shall be posted conspicuously in at least five places within the proposed community in a manner designed to attract public attention.

(3) After receiving testimony on the creation of the proposed community council, the county legislative authority may alter the boundaries of the community, but the boundaries may not be altered to reduce the number of persons living within the community by more than ten percent or below the minimum number of residents who must reside within the community at the time of the creation of the community council. If territory is added to the community, another public hearing on the proposal shall be held.

(4) The county legislative authority shall call a special election within the community to determine whether the proposed community council shall be created, and to elect the initial community councilmembers, at the next state general election occurring seventy-five or more days after the initial public hearing on the creation of the proposed community council. The community council shall be created if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 75. ELECTION OF INITIAL COMMUNITY COUNCILMEMBERS. The initial members of the community council shall be elected

at the same election as the ballot proposition is submitted authorizing the creation of the community council. However, the election of the initial community councilmembers shall be null and void if the ballot proposition authorizing the creation of the community council is not approved.

No primary election shall be held to nominate candidates for initial council positions. The initial community council shall consist of the candidate for each council position who receives the greatest number of votes for that council position. Staggering of terms of office shall be accomplished by having the majority of the winning candidates who receive the greatest number of votes being elected to four-year terms of office, and the remaining winning candidates being elected to two-year terms of office, if the election was held in an even-numbered year, or the majority of the winning candidates who receive the greatest number of votes being elected to three-year terms of office, and the remaining winning candidates being elected to one-year terms of office, if the election was held in an odd-numbered year, with the term computed from the first day of January in the year following the election. Initial councilmembers shall take office immediately when qualified in accordance with RCW 29.01.135.

However, where the county operates under a charter providing for the election of members of the county legislative authority in odd-numbered years, the terms of office of the initial councilmembers shall be four years and two years, if the election of the initial councilmembers was held on an odd-numbered year, or three years and one year, if the election of the initial councilmembers was held on an even-numbered year.

NEW SECTION. Sec. 76. COMMUNITY COUNCILMEMBERS. Community councilmembers shall be elected to staggered four-year terms until their successors are elected and qualified. Each council position shall be numbered separately. Candidates shall run for specific council positions. The number of council positions shall be five, seven, nine, or eleven, as specified in the petition calling for the creation of the community council.

Community councilmembers shall be nominated and elected at nonpartisan elections pursuant to general election laws, except the elections shall be held in even-numbered years, unless the county operates under a charter and members of the county legislative authority are elected in odd-numbered years, in which case, community councilmembers shall be elected in odd-numbered years.

The provisions of this section apply to the election and terms of office of the initial community councilmembers, except as provided in section 75 of this act.

A councilmember shall lose his or her council position if his or her primary residence no longer is located within the community. Vacancies on a community council shall be filled by action of the remaining councilmembers.

NEW SECTION. Sec. 77. RESPONSIBILITY OF COUNTY LEGISLATIVE AUTHORITY. (1) Within ninety days of the election at which a community council is created, the county legislative authority shall adopt an ordinance designating those portions or components of the county comprehensive plan having area-wide applicability and importance throughout the unincorporated area of the county that shall serve as an overall guide for the development of community comprehensive plans and community zoning ordinances.

(2) Community comprehensive plans and community zoning ordinances that are adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of these plans and ordinances with the portions or components of the county comprehensive plan designated as having area-wide applicability and importance under subsection (1) of this section. The county legislative authority shall either approve the plans and ordinances as adopted, or refer the plans and ordinances back to the community council with written findings of noncompliance specifying the reasons for noncompliance, within ninety days after they are submitted. The county comprehensive plan, or subarea plan and comprehensive plan, and zoning

ordinances shall remain in effect in the community until the community comprehensive plans and community zoning ordinances have been approved.

(3) Each amendment to community comprehensive plans or community zoning ordinances that is adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of the amendment with the portions or components of the county comprehensive plan designated as having area-wide applicability and importance under subsection (1) of this section. The county legislative authority shall either approve the amendment as adopted or refer the amendment back to the community council with written findings of noncompliance specifying the reasons for noncompliance within ninety days after it is submitted. The unamended community comprehensive plans and unamended community zoning ordinances shall remain in effect in the community until the amendment has been approved.

(4) A community council shall be given at least one hundred twenty days to amend its community comprehensive plans and community zoning ordinances after the county legislative authority amends the ordinance it adopted under subsection (1) of this section designating those portions or components of the county comprehensive plan having area-wide applicability and importance throughout the unincorporated area of the county that shall serve as an overall guide for the development of community comprehensive plans and community zoning ordinances. The county legislative authority may amend the community comprehensive plans and community zoning ordinances to achieve consistency with this amended ordinance if the community council fails to obtain approval of the community comprehensive plans and community zoning ordinances within this time period. Nothing in this subsection shall preclude a community council from subsequently obtaining approval of its community comprehensive plans and community zoning ordinances.

(5) Approved community comprehensive plans and community zoning ordinances shall be enforced by the county as if they had been adopted by the county legislative authority. All quasi-judicial actions and permits relating to these plans and ordinances shall be made and decided by the county legislative authority or otherwise as provided by the county legislative authority.

(6) The county shall be responsible for financing the activities of, and providing administrative and staff support for, each community council within its boundaries.

NEW SECTION. Sec. 78. **POWERS OF A COMMUNITY COUNCIL.** A community council shall adopt community comprehensive plans and community zoning ordinances as provided in section 77 of this act. Community councils shall not have the authority to take quasi-judicial actions or to decide permit applications. In addition, a community council shall serve as a forum for the discussion of local issues.

Community councils are subject to chapter 42.30 RCW, the open public meetings act.

NEW SECTION. Sec. 79. **ANNEXATION.** A community council may provide for the annexation of adjacent unincorporated areas to the community that are not included within another community for which a community council has been established. Annexations shall be initiated by either resolution of the community council proposing the annexation or petition of voters residing in the adjacent area, which petition: (a) Requests the annexation; (b) sets forth the boundaries of the area proposed to be annexed; and (c) contains signatures of voters residing within the area that is proposed to be annexed equal in number to at least ten percent of the voters residing in that area who voted at the last state general election. Annexation petitions shall be filed with the county auditor who shall determine if the petitions contain a sufficient number of valid signatures, certify the sufficiency of the petitions, and notify the community council of the sufficiency of the petitions within fifteen days of when the petitions are submitted.

A ballot proposition authorizing the annexation shall be submitted to the voters of the area that is proposed to be annexed at a primary or general election in either an odd-

numbered or even-numbered year, if the community council initiated the annexation by resolution or if the community council concurs in an annexation that was initiated by the submission of annexation petitions containing sufficient valid signatures. The annexation shall occur if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition. The county's comprehensive plan, and where applicable to the county's subarea plan, and zoning ordinances shall continue in effect in the annexed area until amendments to the community comprehensive plans and community zoning ordinance have been approved that apply to the annexed area.

NEW SECTION. Sec. 80. DISSOLUTION. A community council shall be dissolved if the population of the community is reduced to less than five hundred persons, or less than two hundred persons if the community only includes an entire island.

In addition, a community council shall be dissolved by voters of the community approving a ballot proposition to dissolve the community council that has been placed upon the ballot in a primary or general election held in either an odd-numbered or even-numbered year as the result of the community council adopting a resolution placing this matter on the ballot or by petition calling for the dissolution of the community council that has been certified by the county auditor as having valid signatures of voters residing within the community equal in number to at least ten percent of the voters residing in the community who voted at the last state general election. Petitions calling for the dissolution of a community council shall be filed with the county auditor and their sufficiency certified by the county auditor in the same manner as an annexation petition. The community council shall be dissolved if the ballot proposition dissolving the community council is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 81. The following acts or parts of acts are each repealed:

(1) RCW 36.32.500 and 1984 c 203 s 6; and

(2) RCW 36.32.505 and 1984 c 203 s 7.

NEW SECTION. Sec. 82. Sections 71 through 80 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 83. Section headings as used in this act do not constitute any part of the law.

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 29.18.022, 29.30.025, 29.21.010, 29.30.040, 35.02.020, 35.02.090, 35.06.020, 35.06.030, 35.06.050, 35.24.020, 35.24.180, 35.24.190, 35.27.010, 35.27.070, 35.27.130, 35.27.270, 35.27.280, 35A.12.010, 35A.39.010, 41.08.040, 41.12.040, 42.17.310, 54.08.010, 54.08.070, 54.08.080, 35.02.078, 35.14.010, 70.44.040, and 7.48A.040; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.10 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 36.32 RCW; adding a new chapter to Title 18 RCW; adding a new chapter to Title 36 RCW; adding a new section to chapter 43.43 RCW; creating new sections; repealing RCW 36.32.500 and 36.32.505; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Mr. Anderson: Thank you, Mr. Speaker. I would request ruling on scope and object regarding the Senate amendments to Substitute House Bill No. 1275.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute House Bill No. 1275, an act relating to local government. It contains a number of provisions relating to local government which resolve minor conflicts between general laws and laws pertaining to specific units of local government. It also deletes certain obsolete language. The purpose of this bill was clearly a cleanup of that local government statute.

The Senate amendment contains several provisions including adding a new chapter to Title 36 RCW, authorizing elected community councils giving them authority to adopt comprehensive plans and zoning ordinances, and adding a new chapter to Title 18 RCW, regulating adult entertainment businesses. The Speaker finds that the amendment did not perfect but significantly broadens the scope and object of the original bill. I find, Representative Anderson, that your point of order is well taken. It is outside the scope and object of the original bill.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1275 and ask the Senate for a conference thereon. The motion was carried.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1013,
 SUBSTITUTE HOUSE BILL NO. 1019,
 HOUSE BILL NO. 1024,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
 HOUSE BILL NO. 1032,
 SUBSTITUTE HOUSE BILL NO. 1051,
 SUBSTITUTE HOUSE BILL NO. 1052,
 SUBSTITUTE HOUSE BILL NO. 1054,
 SUBSTITUTE HOUSE BILL NO. 1082,
 ENGROSSED HOUSE BILL NO. 1096,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,
 SUBSTITUTE HOUSE BILL NO. 1112,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
 ENGROSSED HOUSE BILL NO. 1139,
 SUBSTITUTE HOUSE BILL NO. 1142,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181,
 HOUSE BILL NO. 1206,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,

SUBSTITUTE HOUSE BILL NO. 1222,
 HOUSE BILL NO. 1262,
 HOUSE BILL NO. 1263,
 ENGROSSED HOUSE BILL NO. 1277,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,
 SUBSTITUTE HOUSE BILL NO. 1336,
 HOUSE BILL NO. 1339,
 SUBSTITUTE HOUSE BILL NO. 1342,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,
 SUBSTITUTE HOUSE BILL NO. 1416,
 ENGROSSED HOUSE BILL NO. 1428,
 HOUSE BILL NO. 1467,
 HOUSE BILL NO. 1470,
 HOUSE BILL NO. 1487,
 ENGROSSED HOUSE BILL NO. 1500,
 SUBSTITUTE HOUSE BILL NO. 1525,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534,
 HOUSE BILL NO. 1558,
 HOUSE BILL NO. 1581,
 SUBSTITUTE HOUSE BILL NO. 1649,
 HOUSE BILL NO. 1675,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686,
 ENGROSSED HOUSE BILL NO. 1723,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,
 ENGROSSED HOUSE BILL NO. 1740,
 SUBSTITUTE HOUSE BILL NO. 1743,
 SUBSTITUTE HOUSE BILL NO. 1771,
 ENGROSSED SUBSTITUTE HOUSE BILL No. 1777,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,
 SUBSTITUTE HOUSE BILL NO. 1830,
 SUBSTITUTE HOUSE BILL NO. 1852,
 SUBSTITUTE HOUSE BILL NO. 1858,
 SUBSTITUTE HOUSE BILL NO. 1919,
 SUBSTITUTE HOUSE BILL NO. 1957,
 HOUSE BILL NO. 1992,
 SUBSTITUTE HOUSE BILL NO. 1997,
 HOUSE BILL NO. 2021,
 SUBSTITUTE HOUSE BILL NO. 2042,
 SUBSTITUTE HOUSE BILL NO. 2044,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,
 HOUSE BILL NO. 2163,
 HOUSE BILL NO. 2198,
 HOUSE JOINT RESOLUTION NO. 4218,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4221,
 SECOND SUBSTITUTE SENATE BILL NO. 5022,
 SENATE BILL NO. 5041,
 SENATE BILL NO. 5043,

SENATE BILL NO. 5075,
 SECOND SUBSTITUTE SENATE BILL NO. 5083,
 SENATE BILL NO. 5104,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5114,
 SECOND SUBSTITUTE SENATE BILL NO. 5143,
 SENATE BILL NO. 5148,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5156,
 SUBSTITUTE SENATE BILL NO. 5204,
 SENATE BILL NO. 5231,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5256,
 SUBSTITUTE SENATE BILL NO. 5260,
 SUBSTITUTE SENATE BILL NO. 5261,
 SENATE BILL NO. 5264,
 SUBSTITUTE SENATE BILL NO. 5295,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5363,
 SENATE BILL NO. 5449,
 SUBSTITUTE SENATE BILL NO. 5456,
 SUBSTITUTE SENATE BILL NO. 5466,
 SENATE BILL NO. 5473,
 SUBSTITUTE SENATE BILL NO. 5478,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5494,
 SUBSTITUTE SENATE BILL NO. 5497,
 SUBSTITUTE SENATE BILL NO. 5501,
 SUBSTITUTE SENATE BILL NO. 5504,
 SENATE BILL NO. 5512,
 SUBSTITUTE SENATE BILL NO. 5518,
 SENATE BILL NO. 5528,
 SUBSTITUTE SENATE BILL NO. 5536,
 SECOND SUBSTITUTE SENATE BILL NO. 5568,
 SUBSTITUTE SENATE BILL NO. 5583,
 SUBSTITUTE SENATE BILL NO. 5611,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5624,
 SUBSTITUTE SENATE BILL NO. 5628,
 SUBSTITUTE SENATE BILL NO. 5632,
 SECOND SUBSTITUTE SENATE BILL NO. 5667,
 SUBSTITUTE SENATE BILL NO. 5669,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5672,
 SENATE BILL NO. 5678,
 SENATE BILL NO. 5684,
 SUBSTITUTE SENATE BILL NO. 5713,
 SUBSTITUTE SENATE BILL NO. 5720,
 SENATE BILL NO. 5766,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,
 SUBSTITUTE SENATE BILL NO. 5776,
 SENATE BILL NO. 5834,
 SECOND SUBSTITUTE SENATE BILL NO. 5882,
 SENATE JOINT MEMORIAL NO. 8006.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5049, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House refuse to recede from its amendments to Senate Bill No. 5049 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Cooper, Orr and Betzoff as conferees on Senate Bill No. 5049.

MESSAGE FROM THE SENATE

April 20, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5612, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Belcher moved that the House refuse to recede from its amendments to Substitute Senate Bill No. 5612 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Belcher, G. Fisher and Beck as conferees on Substitute Senate Bill No. 5612.

MESSAGE FROM THE SENATE

April 24, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SECOND SUBSTITUTE SENATE BILL NO. 5167, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House refuse to recede from its amendments to Second Substitute Senate Bill No. 5167 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Appelwick, Wineberry and Padden as conferees on Second Substitute Senate Bill No. 5167.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5147, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House refuse to recede from its amendments to Senate Bill No. 5147 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Appelwick, Ludwig and Paris as conferees on Senate Bill No. 5147.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SENATE BILL NO. 5824, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Jacobsen moved that the House refuse to recede from its amendments to Engrossed Senate Bill No. 5824 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Jacobsen, Spanel and Van Luvan as conferees on Engrossed Senate Bill No. 5824.

MESSAGE FROM THE SENATE

April 20, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5096, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rayburn moved that the House refuse to recede from its amendments to Engrossed Substitute Senate Bill No. 5096 and ask the Senate for a conference thereon. The motion was carried.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. R. Meyers presiding) announced that Representative Padden would replace Representative Winsley as conferee on Engrossed Substitute House Bill No. 1608.

MESSAGE FROM THE SENATE

April 20, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendments to SENATE BILL NO. 5111, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Leonard moved that the House recede from its amendments to Senate Bill No. 5111 and pass the bill without said amendments.

Mr. Wynne spoke against the motion, and Mr. Hargrove spoke in favor of it. The motion was carried.

FINAL PASSAGE OF SENATE BILL
WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5111 without the House amendments.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5111 without the House amendments, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Loven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Grant, Wood - 02.

Senate Bill No. 5111 without the House amendments, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5010, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Day moved that the House refuse to recede from its amendments to Substitute Senate Bill No. 5010 and again ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

April 24 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5184, and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Saling, Jesernig and Patterson, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Jacobsen moved that the House refuse to recede from its amendments to Engrossed Substitute Senate Bill No. 5184 and again ask the Senate to concur therein. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Inslee, Dellwo and Padden as conferees on Substitute Senate Bill No. 5202.

The Speaker (Mr. R. Meyers presiding) appointed Representatives Appelwick, Ludwig and Padden as conferees on Senate Bill No. 5170.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 10:00 a.m., Thursday, April 25, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 25, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Grant. On motion of Ms. Cole, Representative Grant was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Frank Weaver and Edie Clapp. Prayer was offered by Lieutenant Commander Sid Spain, Base Chapel, Whidby Island.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease. The Speaker (Mr. O'Brien presiding) called the House to order.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

SUBSTITUTE HOUSE BILL NO. 1019,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
SUBSTITUTE HOUSE BILL NO. 1051,
SUBSTITUTE HOUSE BILL NO. 1052,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
SUBSTITUTE HOUSE BILL NO. 1142,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181,
HOUSE BILL NO. 1206,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1316,
SUBSTITUTE HOUSE BILL NO. 1336,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,
HOUSE BILL NO. 1470,
HOUSE BILL NO. 1487,
ENGROSSED HOUSE BILL NO. 1500,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534,
HOUSE BILL NO. 1581,
HOUSE BILL NO. 1675,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686,

ENGROSSED HOUSE BILL NO. 1723,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,
 ENGROSSED HOUSE BILL NO. 1740,
 SUBSTITUTE HOUSE BILL NO. 1743,
 SUBSTITUTE HOUSE BILL NO. 1771,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,
 SUBSTITUTE HOUSE BILL NO. 1830,
 SUBSTITUTE HOUSE BILL NO. 1852,
 SUBSTITUTE HOUSE BILL NO. 1858,
 SUBSTITUTE HOUSE BILL NO. 1919,
 SUBSTITUTE HOUSE BILL NO. 1957,
 HOUSE BILL NO. 1992,
 SUBSTITUTE HOUSE BILL NO. 1997,
 SUBSTITUTE HOUSE BILL NO. 2042,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,
 HOUSE BILL NO. 2163.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4678, by Representatives Morton, Chandler, Hochstatter, Fuhrman, McLean and Ballard

WHEREAS, It is appropriate for the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Team sports provide opportunities for the participants to develop and enhance their physical agility, mental alertness, independence, cooperation, and the ability to work with others for a common good; and

WHEREAS, The Almira/Coulee-Hartline Warriors, H. P. Carstensen, Joe Collier, Nathan Dunham, Lee Heathman, Tim Hunsaker, Brad Isaak, Phil Johnston, Todd Miller, Chris-Alan Peha, Ryan Peha, David Spurbeck, and Cody Zimbelman, have demonstrated these characteristics by leading their school to victory as the 1991 Class B Basketball State Champions; and

WHEREAS, The Warriors defeated the Tacoma Baptist Crusaders by a score of 60-52, in an impressive comeback from a nine point deficit in the third quarter of the championship game; and

WHEREAS, In the championship game, Nathan Dunham scored 25 points, Tim Hunsaker scored 15 points, and Todd Miller scored 14 points; and

WHEREAS, Nathan Dunham and Tim Hunsaker were selected to the 1991 All-Tournament Team, and Nathan Dunham was named the Most Valuable Player for the 1991 State B Basketball Tournament; and

WHEREAS, Head Coach Mike Carlquist guided the Warriors to a record of twenty-four wins and four losses this season; and

WHEREAS, These records and accomplishments could not have been achieved without the support, cooperation, and participation of every member of the team and the coaching staff; and

WHEREAS, The parents, faculty, administration, and students all contributed to these accomplishments by joining together as a united community in a spirit of competition and support for the athletes, cheering the team on to victory;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Almira/Coulee-Hartline Warriors as the State B Basketball Champions, the students, coaches, and teachers; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of the Almira/Coulee-Hartline High School basketball team, Coach Mike Carlquist, Superintendent John Magers, and Principal Bill Penrose.

Mr. McLean moved adoption of the resolution. Representatives Morton and McLean spoke in favor of the resolution.

House Resolution No. 91-4678 was adopted.

MESSAGES FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate has receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1496, and passed the bill without the amendment, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608. The President has appointed the following members as Conferees: Senators Craswell, Talmadge and Roach.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SENATE BILL NO. 5475. The President has appointed the following members as Conferees: Senators Patterson, Bauer and Saling, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5629. The President has appointed the following members as Conferees: Senators Barr, Hansen and Bailey, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SENATE BILL NO. 5824. The President has appointed the following members as Conferees: Senators Patterson, Jesernig and Saling, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 11, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1201 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purposes of this act are to eliminate the use of formal county classes and substitute the use of the most current county population figures to distinguish counties. In addition, certain old statutes that reference county class, but no longer are followed, are repealed or amended to conform with current practices.

Sec. 2. RCW 2.32.180 and 1990 c 186 s 3 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the judge's court (~~helden by him~~) who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, or the additional superior court judges authorized by sections 1 and 2, chapter 186, Laws of 1990. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the

event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he or she is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each ~~((class AA))~~ county with a population of one million or more shall be made by the majority vote of the judges in said county acting en banc; the appointments in ~~((class A counties and counties of the first class))~~ each county with a population of from one hundred twenty-five thousand to less than one million may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him or her, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his or her duties shall take an oath to perform faithfully the duties of his or her office, and file a bond in the sum of two thousand dollars for the faithful discharge of his or her duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

Sec. 3. RCW 2.32.280 and 1957 c 244 s 5 are each amended to read as follows:

In all counties or judicial districts, except in ~~((class AA counties and class A counties and counties of the first class))~~ any county with a population of one hundred twenty-five thousand or more, such official reporter shall act as amanuensis to the court for which he or she is appointed.

Sec. 4. RCW 3.30.020 and 1987 c 202 s 110 are each amended to read as follows:

The provisions of chapters 3.30 through 3.74 RCW shall apply to ~~((class AA and class A counties))~~ each county with a population of two hundred ten thousand or more: PROVIDED, That any city having a population of more than ~~((five))~~ four hundred thousand may by resolution of its legislative body elect to continue to operate a municipal court pursuant to the provisions of chapter 35.20 RCW, as if chapters 3.30 through 3.74 RCW had never been enacted: PROVIDED FURTHER, That if a city elects to continue its municipal court pursuant to this section, the number of district judges allocated to the county in RCW 3.34.010 shall be reduced by two and the number of full time district judges allocated by RCW 3.34.020 to the district in which the city is situated shall also be reduced by two. The provisions of chapters 3.30 through 3.74 RCW may be made applicable to any county ~~((of the first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth class))~~ with a population of less than two hundred ten thousand upon a majority vote of its ~~((board of))~~ county ~~((commissioners))~~ legislative authority.

Sec. 5. RCW 3.38.030 and 1984 c 258 s 25 are each amended to read as follows:

Upon receipt of the districting plan, the county legislative authority shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. If the county legislative authority finds that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 RCW and is conducive to the best interests and welfare of the county as a whole it may adopt such plan. If the county legislative authority finds that the plan does not conform to the standards as provided in chapters 3.30 through 3.74 RCW, the county legislative authority may modify, revise or amend the plan and adopt such amended or revised plan as the county's district court districting plan. The plan decided upon shall be adopted by

the county legislative authority not later than six months after the ~~((classification of the county as class A))~~ county initially obtains a population of two hundred ten thousand or more or the adoption of the elective resolution.

Sec. 6. RCW 3.74.940 and 1965 ex.s. c 110 s 4 are each amended to read as follows:

Any prior action by the ~~((county commissioners))~~ legislative authority of any county ~~((of the first, second, third, fourth, fifth, sixth, seventh, eighth or ninth class))~~ with a population of less than two hundred ten thousand to make the provisions of chapters 3.30 through 3.74 RCW applicable to their county and the organization of any justice court as a result thereof, and all other things and proceedings done or taken by such county or by their respective officers acting under or in pursuance to such prior action and organization are hereby declared legal and valid and of full force and effect.

Sec. 7. RCW 7.06.010 and 1984 c 258 s 511 are each amended to read as follows:

In counties ~~((of the second class and larger))~~ with a population of seventy thousand or more, the superior court of the county, by majority vote of the judges thereof, or the county legislative authority may authorize mandatory arbitration of civil actions under this chapter. In all other counties, the superior court of the county, by a majority vote of the judges thereof, may authorize mandatory arbitration of civil actions under this chapter.

Sec. 8. RCW 8.04.080 and 1988 c 188 s 15 are each amended to read as follows:

The order shall direct that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate, premises, or other property from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and the use by the state of the lands, real estate, premises, and other property described in the petition. The determination shall be made within thirty days after the entry of such order, before a jury if trial by jury is demanded at the hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury. If no regular venire has been called so as to be available to serve within such time on application of the petitioner at the hearing, the court may by its order continue such determination to the next regular jury term if a regular venire will be called within sixty days, otherwise the court shall call a special jury within said sixty days and direct that a jury panel be selected and summoned pursuant to chapter 2.36 RCW, from the citizens of the county in which the lands, real estate, premises, or other property sought to be appropriated are situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent is entered by the clerk in the minutes of such hearing. In any ~~((third class))~~ county ~~((or lesser classification))~~ with a population of less than seventy thousand, the costs of such special jury for the trial of such condemnation cases only shall be borne by the state.

Sec. 9. RCW 9.73.220 and 1989 c 271 s 203 are each amended to read as follows:

In each superior court judicial district in ~~((class AA and A counties))~~ a county with a population of two hundred ten thousand or more there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court judges in that superior court judicial district shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her

usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

Sec. 10. RCW 13.04.035 and 1979 c 155 s 5 are each amended to read as follows:

Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any (~~class AA~~) county with a population of one million or more, such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court.

Sec. 11. RCW 13.04.093 and 1985 c 354 s 30 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving alternative residential placement: PROVIDED, That in (~~class 1 through 9 counties~~) each county with a population of less than two hundred ten thousand, the attorney general may contract with the prosecuting attorney of the county to perform said duties of the attorney general.

Sec. 12. RCW 13.20.010 and 1955 c 232 s 1 are each amended to read as follows:

The judges of the superior court of any (~~class AA~~) county with a population of one million or more are hereby authorized, by majority vote, to appoint a board of managers to administer, subject to the approval and authority of such superior court, the probation and detention services for dependent and delinquent children coming under the jurisdiction of the juvenile court.

Such board shall consist of four citizens of the county and the judge who has been selected to preside over the juvenile court.

Sec. 13. RCW 13.20.060 and 1975 1st ex.s. c 124 s 1 are each amended to read as follows:

In addition, and alternatively, to the authority granted by RCW 13.20.010, the judges of the superior court of any (~~class AA~~) county with a population of one million or more operating under a county charter providing for an elected county executive are hereby authorized, by a majority vote, subject to approval by ordinance of the legislative authority of the county to transfer to the county executive the responsibility for, and administration of all or part of juvenile court services, including detention, intake and probation. The superior court and county executive of such county are further authorized to establish a five-member juvenile court advisory board to advise the county in its administration of such services, facilities and programs. If the advisory board is established, two members of the advisory board shall be appointed by the superior court, two members shall be appointed by the county executive, and one member shall be selected by the vote of the other four members. The county is authorized to contract or otherwise make arrangements with other public or private agencies to provide all or a part of such services, facilities and programs. Subsequent to any transfer to the county of

responsibility and administration of such services, facilities and programs pursuant to the foregoing authority, the judges of such superior court, by majority vote subject to the approval by ordinance of the legislative authority of the county, may retransfer the same to the superior court.

Sec. 14. RCW 13.70.005 and 1989 1st ex.s. c 17 s 2 are each amended to read as follows:

Periodic case review of all children in substitute care shall be provided in at least one (~~class 1 or higher~~) county with a population of one hundred twenty-five thousand or more, in accordance with this chapter.

The administrator for the courts shall coordinate and assist in the administration of the local citizen review board pilot program created by this chapter.

Sec. 15. RCW 15.60.170 and 1989 c 354 s 64 are each amended to read as follows:

The county legislative authority of any county (~~of the third class~~) with a population of from forty thousand to less than seventy thousand located east of the Cascade crest and bordering on the southern side of the Snake river shall have the power to designate by an order made and published, as provided in RCW 15.60.190, certain territories as apiary coordinated areas in which they may designate the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect. No territory so designated shall be less than two square miles in area.

Sec. 16. RCW 19.27.160 and 1989 c 246 s 7 are each amended to read as follows:

Any county (~~of the seventh class~~) with a population of from five thousand to less than ten thousand that had in effect on July 1, 1985, an ordinance or resolution authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the state building code council.

Sec. 17. RCW 26.12.050 and 1989 c 199 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in (~~class "A" counties and counties of the first through ninth classes~~) each county with a population of less than one million, the superior court may appoint the following persons to assist the family court in disposing of its business:

(a) One or more attorneys to act as family court commissioners, and

(b) Such investigators, stenographers and clerks as the court shall find necessary to carry on the work of the family court.

(2) The county legislative authority must approve the creation of family court commissioner positions.

(3) The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a family court commissioner may also be appointed to any other commissioner position authorized by law.

Sec. 18. RCW 27.24.062 and 1971 ex.s. c 141 s 1 are each amended to read as follows:

In each county (~~of the first, second, third, fourth, fifth, and sixth classes~~) with a population of from eight thousand to less than one hundred twenty-five thousand, there shall be a county law library which shall be governed and maintained as hereinafter provided.

Two or more of such counties may, by agreement of the respective law library boards of trustees, create a regional law library and establish and maintain one principal

law library at such location as the regional board of trustees may determine will best suit the needs of the users: PROVIDED, HOWEVER, That there shall be at all times a law library in such size as the board of trustees may determine necessary to be located at the courthouse where each superior court is located.

Sec. 19. RCW 27.24.068 and 1975 c 37 s 1 are each amended to read as follows:

In each county (~~of the seventh and eighth class~~) with a population of less than eight thousand, there may be a county law library which shall be governed and maintained by the prosecuting attorney who shall also serve as trustee of such library without additional salary or other compensation.

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the prosecuting attorney may by rule provide.

Sec. 20. RCW 28A.315.450 and 1980 c 35 s 1 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, each member of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until a successor is elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~in class AA counties~~) which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members.

Sec. 21. RCW 28A.315.460 and 1979 ex.s. c 183 s 10 are each amended to read as follows:

After July 1, 1979, the election of directors of any first class school district having within its boundaries a city with a population of four hundred thousand people or more (~~and being in a class AA county~~), shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at July 1, 1979. Nothing in this amendatory act shall affect the term of office of any incumbent director of any such first class school district.

Sec. 22. RCW 28A.315.580 and 1990 c 161 s 5 and 1990 c 33 s 319 are each reenacted and amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~in class AA counties~~), if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the regional committee to divide the school district, if formed, into five directors' districts in first class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second class school districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.550. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among

the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district.

Sec. 23. RCW 28A.315.590 and 1990 c 161 s 6 are each amended to read as follows:

The board of directors of every first class school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the regional committee to divide the district into directors' districts or for second class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition shall be affirmative, the regional committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 24. RCW 28A.315.600 and 1990 c 33 s 320 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a ((class AA or class A)) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 25. RCW 28A.315.610 and 1990 c 33 s 321 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a ((class AA or class A)) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 26. RCW 28A.315.620 and 1990 c 33 s 322 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, as now or hereafter amended, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more ((~~in class AA counties~~)) and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 27. RCW 28A.315.630 and 1990 c 33 s 323 are each amended to read as follows:

Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more ((~~in class AA counties~~)), the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.315.670. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 28A.315.460.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 28. RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327 are each reenacted and amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29 RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29 RCW. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

Sec. 29. RCW 28A.315.680 and 1990 c 59 s 72 and 1990 c 33 s 328 are each reenacted and amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, and 29.21.180.

Sec. 30. RCW 29.04.200 and 1990 c 184 s 1 are each amended to read as follows:

(1) Beginning January 1, 1993, no voting device or machine may be used in a county (~~(of the second class or larger)~~) with a population of seventy thousand or more to conduct a primary or general or special election in this state unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(2) Beginning January 1, 1993, the secretary of state shall not certify under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(3) Beginning January 1, 1993, a county (~~of the third class or smaller~~) with a population of less than seventy thousand may use a voting machine or device for conducting a primary or general or special election which does not record on a separate ballot, available for audit purposes after the primary or election, the votes cast by each elector for any person and for or against any measure if:

(a) The device was certified under this title before January 1, 1993, for use in this state;

(b) The device otherwise satisfies the requirements of this title; and

(c) Not more than twenty percent of the votes cast during any primary or general or special election conducted after January 1, 1998, in the county are cast using such a machine or device.

(4) The purpose of subsection (3) of this section is to permit less populous counties to replace voting equipment in stages over several years. These less populous counties are, nonetheless, encouraged to secure as expeditiously as possible voting equipment which would satisfy the requirements of subsection (1) of this section established for more populous counties. The secretary of state shall report to the legislature by January 1st of each odd-numbered year through 1997 on the progress of such less populous counties in replacing equipment which does not satisfy the requirements of subsection (1) of this section established for more populous counties.

Sec. 31. RCW 29.13.060 and 1990 c 33 s 563 are each amended to read as follows:

In (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more, first class school districts containing a city of the first class shall hold their elections biennially as provided in RCW 29.13.020.

Except as provided in RCW 28A.315.460, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 32. RCW 29.30.060 and 1990 c 59 s 12 are each amended to read as follows:

Except in (~~class AA counties~~) each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in (~~class AA~~) counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a (~~class AA~~) county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the general election, but the names of candidates for the individual positions need not be shown.

Sec. 33. RCW 29.42.050 and 1987 c 295 s 14 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committee officer except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. Any person elected to the office of precinct committee officer who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committee officer shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death,

resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a ~~((class-AA))~~ county with a population of one million or more, such appointment shall be made only upon the recommendation of the legislative district chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chair selected as provided by RCW 29.42.030.

Sec. 34. RCW 29.42.070 and 1987 c 295 s 15 are each amended to read as follows:

Within forty-five days after the state-wide general election in even-numbered years, or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections, the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district a majority of the precincts of which are within a ~~((class-AA))~~ county with a population of one million or more for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair can only be removed by the majority vote of the elected precinct committee officers in the chair's district.

Sec. 35. RCW 29.82.060 and 1965 c 9 s 29.82.060 are each amended to read as follows:

When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition (~~((he or it))~~ the person, committee, or organization may submit the same to the officer with whom the charge was filed for filing in his or her office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county ~~((of the first, second or third class))~~ with a population of forty thousand or more--signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in ~~((subdivision))~~ subsection (1) of this section, and in the case of a state senator or representative--signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

Sec. 36. RCW 35.21.010 and 1965 c 138 s 1 are each amended to read as follows:

Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of _____, or the town of _____, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title: PROVIDED, That not more than two square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of fifteen hundred or less, or located in ~~((class-AA counties))~~ a county with a population of one million or more, and not more than three square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of more than fifteen hundred in ~~((counties other than class-AA))~~

a county with a population of less than one million, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of ~~((municipal corporations of the fourth class))~~ a town without the consent of the owner of such unplatted land: PROVIDED FURTHER, That the original incorporation of ~~((municipal corporations of the fourth class))~~ a town shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

Sec. 37. RCW 35.21.422 and 1967 ex.s. c 52 s 1 are each amended to read as follows:

Any city, located within a ~~((class A))~~ county with a population of two hundred ten thousand or more west of the Cascades, owning and operating a public utility and having facilities for the distribution of electricity located outside its city limits, may provide for the support of cities, towns, counties and taxing districts in which such facilities are located, and enter into contracts with such county therefor. Such contribution shall be based upon the amount of retail sales of electricity, other than to governmental agencies, made by such city in the areas of such cities, towns, counties or taxing districts in which such facilities are located, and shall be divided among them on the same basis as taxes on real and personal property therein are divided.

Sec. 38. RCW 35.58.040 and 1971 ex.s. c 303 s 3 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120(3) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing or hereafter created, within a ~~((class A county contiguous to a class AA county or class AAA))~~ county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of one million or more, shall, upon May 21, 1971, as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after May 21, 1971, have the same boundaries as those of the respective central county of such metropolitan corporation: PROVIDED, That the boundaries of such metropolitan corporation may be enlarged after such date by annexation as provided in chapter 35.58 RCW as now or hereafter amended. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. 39. RCW 35.58.273 and 1990 c 42 s 316 are each amended to read as follows:

(1) Through June 30, 1992, any municipality ~~((within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county)),~~ as defined in this subsection, is authorized to levy and collect a special excise tax not exceeding .7824 percent and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 ~~((5) and (6))~~ (3) and (4), the amount of such tax shall be credited

against the amount of the excise tax levied by the state under RCW 82.44.020. As used in this subsection, the term "municipality" means a municipality that is located within one of the following counties: (a) A county with a population of one million or more; (b) a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more; or (c) a county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population as described under (b) of this subsection and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .815 percent, and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150(3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) Prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(3) A "corridor public hearing" is a public hearing that: (a) Is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(4) A "design public hearing" is a public hearing that: (a) Is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 40. RCW 35.81.010 and 1975 c 3 s 1 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot

layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city(~~(s)~~) or town, or ~~((class-AA county or the board of commissioners))~~ the elected executive, if any, of any county operating under a charter, or the county legislative authority of any other county.

(8) "Municipality" shall mean any incorporated city or town, or any county, in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses

detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

Sec. 41. RCW 35.82.285 and 1973 1st ex.s. c 198 s 2 are each amended to read as follows:

Housing authorities of ((first class counties created under this chapter)) each county with a population of one hundred twenty-five thousand or more may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in 42 U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall comply with all zoning, building, fire, and health regulations and procedures applicable in the locality.

Sec. 42. RCW 36.01.130 and 1981 c 75 s 2 are each amended to read as follows:

The imposition of controls on rent is of state-wide significance and is preempted by the state. No county ((of any class)) may enact, maintain or enforce ordinances or other provisions which regulate the amount of rent to be charged for single family or multiple unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-income rental housing. This section shall not be construed as prohibiting any county from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

Sec. 43. RCW 36.13.020 and 1977 ex.s. c 110 s 6 are each amended to read as follows:

~~((Whenever))~~ The legislative authority of any county ((determines that its county has sufficient population to entitle it to advance to a higher class, and passes a resolution setting forth its estimate as to the population and the classification to which the county is entitled by reason of such estimated population it)) may order a county census to be

taken of all the inhabitants of the county. The expense of such census enumeration shall be paid from the county current expense fund.

Sec. 44. RCW 36.13.100 and 1963 c 4 s 36.13.100 are each amended to read as follows:

Whenever any provision of law refers to the population of a county for purposes of distributing funds ((are allocated to counties on the basis of population)) or for any other purpose, the population of the respective counties shall be determined by the most recent census, population estimate ((or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey. If a maximum percent of error is shown on any such survey or estimate, the population of the county shall be computed by deducting from the estimate fifty percent of the maximum possible error)) by the office of financial management, or special county census as certified by the office of financial management.

Sec. 45. RCW 36.16.030 and 1963 c 4 s 36.16.030 are each amended to read as follows:

In every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer(= PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner(= PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner.

Sec. 46. RCW 36.16.030 and 1990 c 252 s 8 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer(= PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner(= PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of

coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.

Sec. 47. RCW 36.16.032 and 1973 1st ex.s. c 88 s 1 are each amended to read as follows:

The office of county auditor may be combined with the office of county clerk in ~~((counties of the eighth class))~~ each county with a population of less than five thousand by unanimous resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor ~~((shall be nine thousand four hundred dollars.~~

Beginning January 1, 1974, the salary of such office)), and the salary of the office of county auditor that is not combined with the office of county clerk, shall be not less than ten thousand three hundred dollars. The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.

Sec. 48. RCW 36.16.050 and 1971 c 71 s 1 are each amended to read as follows:

Every county official before he or she enters upon the duties of his or her office shall furnish a bond conditioned that he or she will faithfully perform the duties of his or her office and account for and pay over all money which may come into his or her hands by virtue of his or her office, and that he or she, or his or her executors or administrators, will deliver to his or her successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his or her office. Bonds of elective county officers shall be as follows:

(1) Assessor: Amount to be fixed and sureties to be approved by proper county legislative authority;

(2) Auditor: Amount to be fixed at not less than ten thousand dollars and sureties to be approved by the proper county legislative authority;

(3) Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his or her hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he or she is clerk: PROVIDED, That the maximum bond fixed for the clerk shall not exceed in amount that required for the treasurer in a county of that class;

(4) Coroner: Amount to be fixed at not less than five thousand dollars with sureties to be approved by the proper county legislative authority;

(5) Members of the proper county legislative authority: Sureties to be approved by the county clerk and the amounts to be:

~~((1))~~ (a) In ~~((class A, AA, counties and first class counties))~~ each county with a population of one hundred twenty-five thousand or more, twenty-five thousand dollars;

~~((2))~~ (b) In ~~((second class counties))~~ each county with a population of from seventy thousand to less than one hundred twenty-five thousand, twenty-two thousand five hundred dollars;

~~((3))~~ (c) In ~~((third class counties))~~ each county with a population of from forty to less than seventy thousand, twenty thousand dollars;

~~((4))~~ (d) In ~~((fourth class counties))~~ each county with a population of from eighteen thousand to less than forty thousand, fifteen thousand dollars;

~~((5))~~ (e) In ~~((fifth class counties))~~ each county with a population of from twelve thousand to less than eighteen thousand, ten thousand dollars;

~~((6))~~ (f) In ~~((sixth class counties))~~ each county with a population of from eight thousand to less than twelve thousand, seven thousand five hundred dollars;

~~((7)) (g) In ((seventh and eighth class)) all other counties, five thousand dollars; ((8) In ninth class counties, two thousand dollars;))~~

~~(6) Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the proper county legislative authority;~~

~~(7) Sheriff: Amount to be fixed and bond approved by the proper county legislative authority at not less than five thousand nor more than fifty thousand dollars; surety to be a surety company authorized to do business in this state;~~

~~(8) Treasurer: Sureties to be approved by the proper county legislative authority and the amounts to be fixed by the proper county legislative authority at double the amount liable to come into the treasurer's hands during his or her term, the maximum amount of the bond, however, not to exceed:~~

~~((1)) (a) In ((class A, AA, counties)) each county with a population of two hundred ten thousand or more, two hundred fifty thousand dollars;~~

~~((2)) (b) In ((first class counties)) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, two hundred thousand dollars;~~

~~((3)) (c) In ((second, third and fourth class counties)) each county with a population of from eighteen thousand to less than one hundred twenty-five thousand, one hundred fifty thousand dollars;~~

~~((4)) (d) In all other counties, one hundred thousand dollars.~~

The treasurer's bond shall be conditioned that all moneys received by him or her for the use of the county shall be paid as the proper county legislative authority shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his or her duties.

Bonds for other than elective officials, if deemed necessary by the proper county legislative authority, shall be in such amount and form as such legislative authority shall determine.

In the approval of official bonds, the ~~((chairman))~~ chair may act for the ~~((board of))~~ county ~~((commissioners))~~ legislative authority if it is not in session.

Sec. 49. RCW 36.17.010 and 1963 c 4 s 36.17.010 are each amended to read as follows:

The county officers of the counties of this state~~((, according to their class,))~~ shall receive a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered by them.

Sec. 50. RCW 36.17.020 and 1973 1st ex.s. c 88 s 2 are each amended to read as follows:

~~((1) The salaries of the following county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class A counties: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand seven hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty two thousand five hundred dollars; members of board of county commissioners, seventeen thousand seven hundred dollars; coroner, fifteen thousand dollars;~~

~~Counties of the first class: Auditor, fourteen thousand five hundred dollars; clerk, fourteen thousand five hundred dollars; treasurer, fourteen thousand five hundred dollars; sheriff, sixteen thousand dollars; assessor, fourteen thousand five hundred dollars; prosecuting attorney, twenty two thousand five hundred dollars; members of board of county commissioners, sixteen thousand dollars; coroner, eight thousand dollars;~~

Counties of the second class: Auditor, thirteen thousand five hundred dollars; clerk, thirteen thousand five hundred dollars; treasurer, thirteen thousand five hundred dollars; sheriff, thirteen thousand five hundred fifty dollars; assessor, thirteen thousand five hundred dollars; prosecuting attorney, twenty one thousand five hundred dollars; members of board of county commissioners, thirteen thousand five hundred dollars; coroner, five thousand dollars;

Counties of the third class: Auditor, twelve thousand five hundred dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve thousand five hundred dollars; assessor, twelve thousand five hundred dollars; sheriff, twelve thousand five hundred dollars; prosecuting attorney, twenty one thousand five hundred dollars; members of the board of county commissioners, twelve thousand five hundred dollars; coroner, three thousand six hundred dollars;

Counties of the fourth class: Auditor, eleven thousand dollars; clerk, eleven thousand dollars; treasurer, eleven thousand dollars; assessor, eleven thousand dollars; sheriff, eleven thousand dollars; prosecuting attorney, in such a county in which there is no state university, thirteen thousand dollars; prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars; members of the board of county commissioners, ten thousand dollars;

Counties of the fifth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; assessor, nine thousand one hundred fifty dollars; prosecuting attorney, twelve thousand dollars; members of the board of county commissioners, eight thousand five hundred dollars;

Counties of the sixth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; assessor, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, six thousand four hundred dollars;

Counties of the seventh class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand nine hundred fifty dollars;

Counties of the eighth class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of board of county commissioners, five thousand nine hundred fifty dollars;

Counties of the ninth class: Auditor clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer assessor, seven thousand four hundred fifty dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand five hundred dollars;

(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows:))

The county legislative authority of each county is authorized to establish the salaries of the elected officials of the county. One-half of the salary of each prosecuting attorney shall be paid by the state. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of ((board of) the county ((commissioners, coroners)) legislative authority, and coroner, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, ((twenty seven thousand five hundred dollars.

Beginning January 1, 1974:

~~The salaries of the following county officers of class AA and A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class AA counties: Prosecuting attorney,))~~ thirty thousand three hundred dollars;

~~((Class A counties)) (2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ((board of)) the county ((commissioners)) legislative authority, nineteen thousand five hundred dollars; and coroner, sixteen thousand five hundred dollars;~~

~~((Counties of the first class)) (3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ((board of)) the county ((commissioners)) legislative authority, seventeen thousand six hundred dollars; and coroner, eight thousand eight hundred dollars;~~

~~((Counties of the second class)) (4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the ((board of)) county ((commissioners)) legislative authority, fourteen thousand nine hundred dollars; and coroner, five thousand five hundred dollars;~~

~~((Counties of the third class)) (5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the ((board of)) county ((commissioners)) legislative authority, thirteen thousand eight hundred dollars; and coroner, four thousand dollars;~~

~~((Counties of the fourth class)) (6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars; and members of the ((board of)) county ((commissioners)) legislative authority, eleven thousand dollars;~~

~~((Counties of the fifth class)) (7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, thirteen thousand two hundred dollars; and members of the ((board of)) county ((commissioners)) legislative authority, nine thousand four hundred dollars;~~

~~((Counties of the sixth class)) (8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars;~~

prosecuting attorney, nine thousand nine hundred dollars; ~~and~~ members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, seven thousand dollars;

~~((Counties of the seventh class)) (9) In each county with a population of from five thousand to less than eight thousand:~~ Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; ~~and~~ members of ~~((board of))~~ the county ~~((commissioners))~~ legislative authority, six thousand five hundred dollars;

~~((Counties of the eighth class)) (10) In each other county:~~ Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; ~~and~~ members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, six thousand five hundred dollars(;

~~Counties of the ninth class: Auditor-clerk, eight thousand two hundred dollars; treasurer-assessor, eight thousand two hundred dollars; sheriff, nine thousand four hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand one hundred dollars.~~

~~The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.~~

~~One half of the salary of each prosecuting attorney shall be paid by the state).~~

Sec. 51. RCW 36.17.040 and 1988 c 281 s 9 are each amended to read as follows:

The salaries of county officers and employees of counties other than counties ~~((of the eighth and ninth classes))~~ with a population of less than five thousand may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the last day of the month, draw a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw a warrant, not later than the fifteenth day of the following month, and the county legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the county legislative authority does not adopt the semimonthly pay plan, it, by resolution, shall designate the first pay period as a draw day. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him or her on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the last day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifteenth day of the following month.

In counties ~~((of eighth and ninth classes))~~ with a population of less than five thousand salaries shall be paid monthly unless the county legislative authority by resolution adopts the foregoing draw day procedure.

Sec. 52. RCW 36.24.175 and 1969 ex.s. c 259 s 3 are each amended to read as follows:

In ~~((class AA, class A, first, second and third class counties))~~ each county with a population of forty thousand or more, no person shall be qualified for the office of county coroner as provided for in RCW 36.16.030 who is an owner or employee of any funeral home or mortuary.

Sec. 53. RCW 36.27.060 and 1989 c 39 s 1 are each amended to read as follows:

(1) ~~The prosecuting ((attorneys and their deputies of class four counties and counties with population larger than class four counties)) attorney, and deputy prosecuting attorneys, of each county with a population of eighteen thousand or more shall serve full time and except as otherwise provided for in this section shall not engage in the private practice of law.~~

(2) ~~Deputy prosecuting attorneys in ((counties of the second class, third class, and fourth class)) a county with a population of from eighteen thousand to less than one hundred twenty-five thousand may serve part time and engage in the private practice of law if the ((board of)) county ((commissioners)) legislative authority so provides.~~

(3) Except as provided in subsection (4) of this section, nothing in this section prohibits a prosecuting attorney or deputy prosecuting attorney in any county from:

(a) Performing legal services for himself or herself or his or her immediate family; or

(b) Performing legal services of a charitable nature.

(4) The legal services identified in subsection (3) of this section may not be performed if they would interfere with the duties of a prosecuting attorney, or deputy prosecuting attorney and no services that are performed shall be deemed within the scope of employment of a prosecutor or deputy prosecutor.

Sec. 54. RCW 36.32.240 and 1985 c 169 s 8 are each amended to read as follows:

In any county the ~~((board of)) county ((commissioners)) legislative authority~~ may by resolution establish a county purchasing department and thereafter such department shall contract on a competitive basis for all public works and purchase or lease on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.065, 36.77.070 and 36.82.130, and except for such contracts and purchases for the printing of election ballots, voting machine labels and all other election material containing the names of candidates and ballot titles, and performance-based contracts as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW: PROVIDED, That in ~~((all class AA or class A counties or in any county of the first class))~~ each county with a population of one hundred twenty-five thousand or more it shall be mandatory that a purchasing department be established.

Sec. 55. RCW 36.33.060 and 1973 1st ex.s. c 38 s 1 are each amended to read as follows:

~~((There is created in class AA and class A counties and counties of the first class a fund to be known as the salary fund, which shall))~~ The county legislative authority of each county with a population of one hundred twenty-five thousand or more shall establish a salary fund to be used for paying the salaries and wages of all officials and employees. ((In counties smaller than counties of the first class)) The county legislative authority of any other county may ((by resolution)) establish such a salary fund. Said salary fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

Sec. 56. RCW 36.33.065 and 1973 1st ex.s. c 38 s 2 are each amended to read as follows:

The county legislative authority of any ((class)) county may establish by resolution a fund to be known as the claims fund, which shall be used for paying claims against the county. Such claims fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for such expenditures. The deposits shall be made in the exact amount of the vouchers paid from the claims fund.

Sec. 57. RCW 36.56.010 and 1977 ex.s. c 277 s 1 are each amended to read as follows:

Any (~~class AA or class A~~) county with a population of two hundred ten thousand or more in which a metropolitan municipal corporation has been established pursuant to chapter 35.58 RCW with boundaries coterminous with the boundaries of the county may by ordinance or resolution, as the case may be, of the county legislative authority assume the rights, powers, functions, and obligations of such metropolitan municipal corporation in accordance with the provisions of this 1977 amendatory act. The definitions contained in RCW 35.58.020 shall be applicable to this chapter.

Sec. 58. RCW 36.57A.020 and 1975 1st ex.s. c 270 s 12 are each amended to read as follows:

The county legislative authority of every (~~class A, class 1, class 2, or class 3~~) county with a population of forty thousand or more shall, and the legislative authority of every other county may, within ninety days of July 1, 1975, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county (~~commissioners~~) legislative authority. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area, the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. In addition, county-wide conferences may be convened by resolution of the legislative bodies of two or more cities within the county, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of a proposed benefit area. The (~~chairman~~) chair of the conference shall be elected from the members at large.

Sec. 59. RCW 36.58.030 and 1989 c 431 s 27 are each amended to read as follows:

As used in RCW 36.58.030 through 36.58.060, the term "transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. This does not include detachable containers, except in (~~third class or smaller~~) counties with a population of less than seventy thousand, and in any (~~first class~~) county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, where detachable containers shall be securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, charge a tipping fee that shall cover the cost of providing and for use of the service, and shall be operated as a transfer station.

Sec. 60. RCW 36.58.100 and 1982 c 175 s 1 are each amended to read as follows:

The legislative authority of any county (~~other than a class AA county~~) with a population of less than one million is authorized to establish one or more solid waste disposal districts within the county for the purpose of providing and funding solid waste disposal services. No solid waste disposal district may include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. The county legislative authority may modify the boundaries of the solid waste disposal district by the same procedure used to establish the district. A solid waste disposal district may be dissolved by the county legislative authority after holding a hearing as provided in RCW 36.58.110.

As used in RCW 36.58.100 through 36.58.150 the term "county" includes all counties other than (~~(class AA counties)~~) a county with a population of one million or more.

A solid waste disposal district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A solid waste disposal district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute: PROVIDED, That a solid waste disposal district shall not have the power of eminent domain.

The county legislative authority shall be the governing body of a solid waste disposal district. The electors of a solid waste disposal district shall be all registered voters residing within the district.

Sec. 61. RCW 36.64.060 and 1985 c 7 s 105 are each amended to read as follows:

Whenever the (~~(board of county commissioners)~~) county legislative authority of a county (~~(of the first class)~~) with a population of one hundred twenty-five thousand or more deems it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW 36.67.010. Such construction or aid in construction is a county purpose.

Sec. 62. RCW 36.64.070 and 1965 c 24 s 1 are each amended to read as follows:

Any (~~(class AA or class A)~~) county with a population of two hundred ten thousand or more may contract with any city or cities within such county for the financing, erection, ownership, use, lease, operation, control or maintenance of any building or buildings, including open spaces, off-street parking facilities for the use of county and city employees and persons doing business with such county or city, plazas and other improvements incident thereto, for county or city, or combined county-city, or other public use. Property for such buildings and related improvements may be acquired by either such county or city or by both by lease, purchase, donation, exchange, and/or gift or by eminent domain in the manner provided by law for the exercise of such power by counties and cities respectively and any property acquired hereunder, together with the improvements thereon, may be sold, exchanged or leased, as the interests of said county, city or cities may from time to time require.

Sec. 63. RCW 36.69.010 and 1990 c 32 s 1 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed (~~(in each and every class of county)~~) as municipal corporations for the purpose of providing leisure time activities and facilities and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, community centers, and other recreational facilities.

Sec. 64. RCW 36.78.020 and 1965 ex.s. c 120 s 2 are each amended to read as follows:

"Standards of good practice" shall mean general and uniform practices formulated and adopted by the board relating to the administration of county roads (~~(for the several classes of counties)~~) which shall apply to engineering, maintenance, traffic control, safety, planning, programming, road classification, road inventories, budgeting and accounting procedures, equipment policies, and personnel policies.

Sec. 65. RCW 36.78.040 and 1965 ex.s. c 120 s 4 are each amended to read as follows:

Six members of the county road administration board shall be county ~~((commissioners))~~ legislative authority members and three members shall be county engineers. If any member, during the term for which he or she is appointed ceases to be either a ~~((county commissioner))~~ member of a county legislative authority or a county engineer, as the case may be, his or her membership on the county road administration board is likewise terminated. Three members of the board shall be from counties ~~((of the following classes: Class AA, class A, or first class))~~ with a population of one hundred twenty-five thousand or more. Four members shall be from counties ~~((of the following classes: Second class, third class, fourth class, or fifth class))~~ with a population of from twelve thousand to less than one hundred twenty-five thousand. Two members shall be from counties ~~((of the following classes: Sixth class, seventh class, eighth class, or ninth class))~~ with a population of less than twelve thousand. Not more than one member of the board shall be from any one county.

Sec. 66. RCW 36.79.140 and 1990 c 42 s 104 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account: PROVIDED HOWEVER, That counties ((of the seventh class)) with a population of from five thousand to less than eight thousand are exempt from this eligibility restriction: AND PROVIDED FURTHER, That counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080.

Sec. 67. RCW 36.80.010 and 1984 c 11 s 1 are each amended to read as follows:

The ~~((board))~~ county legislative authority of each county with a population of eight thousand or more shall employ a full-time county road engineer residing in the county. ~~((In seventh, eighth, and ninth class counties it may employ))~~ The county legislative authority of each other county shall employ a county engineer on either a full-time or part-time basis who need not be a resident of the county, or ((it)) may contract with ((other counties)) another county for the engineering services of a county road engineer from such other ((counties)) county.

Sec. 68. RCW 36.93.030 and 1969 ex.s. c 111 s 1 are each amended to read as follows:

(1) There is hereby created and established in each ~~((class AA and class A))~~ county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any other ~~((class))~~ county in the following manner:

(a) The ~~((board of))~~ county ~~((commissioners))~~ legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or

(b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, together with his or her certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next county primary or county general election which occurs more than ~~((thirty))~~ forty-five days from the date of receipt of the petition. Notice of the election shall be given as provided in RCW 29.27.080 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 69. RCW 36.93.040 and 1967 c 189 s 4 are each amended to read as follows:

For the purposes of this chapter, ~~((counties other than class AA and class A))~~ each county with a population of less than two hundred ten thousand shall be deemed to have established a boundary review board~~(s)~~ on and after the date a proposition for establishing the same has been approved at an election as provided for in RCW 36.93.030, or on and after the date of adoption of a resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority establishing the same as provided for in RCW 36.93.030.

Sec. 70. RCW 36.93.051 and 1989 c 84 s 17 are each amended to read as follows:

The boundary review board in ~~((class AA counties))~~ each county with a population of one million or more shall consist of eleven members chosen as follows:

(1) Three persons shall be appointed by the governor;

(2) Three persons shall be appointed by the county appointing authority;

(3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and

(4) Two persons shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and two initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and two initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The county appointing authority shall designate one of its initial appointees to serve a term of two years, and two of its initial appointees to serve terms of four years, if the

appointments are made in an odd-numbered year, or one of its initial appointees to serve a term of one year, and two of its initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The mayors making the initial city and town appointments shall designate two of their initial appointees to serve terms of two years, and one of their initial appointees to serve a term of four years, if the appointments are made in an odd-numbered year, or two of their initial appointees to serve terms of one year, and one of their initial appointees to serve a term of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The board shall make two initial appointments from the nominees of special districts, with one appointee serving a term of four years and one initial appointee serving a term of two years, if the appointments are made in an odd-numbered year, or one initial appointee serving a term of three years and one initial appointee serving a term of one year if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

Sec. 71. RCW 36.93.061 and 1989 c 84 s 18 are each amended to read as follows:

The boundary review board in ~~((all counties other than class AA counties))~~ each county with a population of less than one million shall consist of five members chosen as follows:

- (1) Two persons shall be appointed by the governor;
- (2) One person shall be appointed by the county appointing authority;
- (3) One person shall be appointed by the mayors of the cities and towns located within the county; and
- (4) One person shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and one initial appointee to serve a term of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and one initial appointee to serve a term of three years, if the appointments are made in an even-numbered year, with the length of a term being calculated from the first day of February in the year that the appointment was made.

The initial appointee of the county appointing authority shall serve a term of two years, if the appointment is made in an odd-numbered year, or a term of one year, if the appointment is made in an even-numbered year. The initial appointee by the mayors shall serve a term of four years, if the appointment is made in an odd-numbered year, or a term of three years, if the appointment is made in an even-numbered year. The length of the term shall be calculated from the first day in February in the year the appointment was made.

The board shall make one initial appointment from the nominees of special districts to serve a term of two years if the appointment is made in an odd-numbered year, or a term of one year if the appointment is made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

Sec. 72. RCW 36.93.063 and 1989 c 84 s 19 are each amended to read as follows:

The executive of the county shall make the appointments under RCW 36.93.051 and 36.93.061 for the county, if one exists, or otherwise the county legislative authority shall make the appointments for the county.

The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

Any special district in the county may nominate a person to be appointed to the board on or before the last day of January in each odd-numbered year that the term for this position expires. The board shall make its appointment of a nominee or nominees from the special districts during the month of February following the date by which such nominations are required to be made.

The county appointing authority and the mayors of cities and towns within the county shall make their initial appointments for newly created boards within sixty days of the creation of the board or shall make sufficient additional appointments to increase a five-member board to an eleven-member board within sixty days of the date the county ~~((becomes a class AA county))~~ obtains a population of one million or more. The board shall make its initial appointment or appointments of board members from the nominees of special districts located within the county within ninety days of the creation of the board or shall make an additional appointment of a board member from the nominees of special districts located within the county within ninety days of the date the county ~~((becomes a class AA county))~~ obtains a population of one million or more.

The term of office for all appointees other than the appointee from the special districts shall commence on the first day of February in the year in which the term is to commence. The term of office for the appointee from nominees of special districts shall commence on the first day of March in the year in which the term is to commence.

Vacancies on the board shall be filled by appointment of a person to serve the remainder of the term in the same manner that the person whose position is vacant was filled.

Sec. 73. RCW 36.93.100 and 1989 c 84 s 3 are each amended to read as follows:

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

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

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

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

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

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

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

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

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

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

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

Sec. 74. RCW 36.93.140 and 1967 c 189 s 14 are each amended to read as follows:

Actions described in RCW 36.93.090 which are pending July 1, 1967, or actions in counties (~~either than class-AA or class A~~) with populations of less than two hundred ten thousand which are pending on the date of the creation of a boundary review board therein, shall not be affected by the provisions of this chapter. Actions shall be deemed pending on and after the filing of sufficient petitions initiating the same with the appropriate public officer, or the performance of an official act initiating the same.

Sec. 75. RCW 36.95.020 and 1971 ex.s. c 155 s 2 are each amended to read as follows:

A district's boundary may include any part or all of any (~~class~~) county and may include any part or all of any incorporated area located within the county. A district's boundary may not include any territory already being served by a cable TV system (CATV) unless on August 9, 1971, there is a translator station retransmitting television signals to such territory.

Sec. 76. RCW 40.04.100 and 1979 c 151 s 49 are each amended to read as follows:

The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him or her.

(2) The state law librarian shall retain such copies as are necessary of each for the benefit of the state law library, the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he or she shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his or her office in the attorney general's suite; three copies for the office of prosecuting attorney, in (~~class A counties~~) each county with a population of two hundred ten thousand or more; two copies for such office in (~~first class counties~~) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the office of financial management, and one copy to the division of

inheritance tax and escheats; one copy each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library, two copies to the University of Puget Sound law library, and two copies to the Gonzaga University law school library and to such other accredited law school libraries as are hereafter established in this state; six copies to the King county law library; and one copy to each county law library organized pursuant to law in ~~((class AA counties, class A counties and in counties of the first, second and third class))~~ each county with a population of forty thousand or more.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his or her judgment seems proper.

Sec. 77. RCW 41.14.040 and 1959 c 1 s 4 are each amended to read as follows:

Any counties ((of the fourth class or of lesser classifications)) with populations of less than forty thousand, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this chapter shall apply equally to any such combined civil service system.

Sec. 78. RCW 41.14.065 and 1987 c 251 s 2 are each amended to read as follows:

Any ((class AA)) county with a population of one million or more may assign the powers and duties of the commission to such county agencies or departments as may be designated by charter or ordinance: PROVIDED, That the powers and duties of the commission under RCW 41.14.120 shall not be assigned to any other body but shall continue to be vested in the commission, which shall exist to perform such powers and duties, together with such other adjudicative functions as may be designated by charter or ordinance.

Sec. 79. RCW 41.14.070 and 1979 ex.s. c 153 s 3 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the county sheriff in every county and an additional number of positions, designated the unclassified service, determined as follows:

	Unclassified Position Appointments
Staff Personnel	
1 through 10	2
11 through 20	3
21 through 50	4
51 through 100	5
101 and over	6

The unclassified position appointments authorized by this section must include selections from the following positions up to the limit of the number of positions authorized: Undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and administrative assistant or administrative secretary. The initial selection of specific positions to be exempt shall be made by the sheriff, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are to be exempt may be made only with the concurrence of the sheriff and the civil service commission, and then only after the civil service commission has heard the issue in open meeting. Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and should it (or they) be occupied, the employee(s) occupying said position(s) shall have the right to return to the next highest position or a like position under classified civil service.

The county legislative authority of any ((class-AA)) county with a population of five hundred thousand or more operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions.

Sec. 80. RCW 41.14.210 and 1971 ex.s. c 214 s 3 are each amended to read as follows:

The county legislative ((body of each class AA and A)) authority or each county with a population of two hundred ten thousand or more may provide in the county budget for each fiscal year a sum equal to one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year.

Sec. 81. RCW 41.28.020 and 1939 c 207 s 3 are each amended to read as follows:

A retirement system is hereby created and established in each city of the first class in each ((~~first-class~~)) county with a population of one hundred twenty-five thousand or more to be known as the "employees' retirement system". This chapter shall become effective as to any such city when by ordinance of the city duly enacted its terms are expressly accepted and made applicable thereto. This section shall not be construed as preventing performance before July 1, 1939, of any preliminary work which any city council, city commission or board of administration shall deem necessary.

Sec. 82. RCW 41.56.030 and 1989 c 275 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county (~~(of the second class or larger)~~) with a population of seventy thousand or more, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

Sec. 83. RCW 42.23.030 and 1990 c 33 s 573 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositories for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county (~~(of the first class or higher)~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county (~~(of the first class or higher)~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a third class city or town (~~(of the third, or fourth class)~~), or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in

any calendar year: PROVIDED FURTHER; That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a certificated or classified employee of the school district, or the letting of any contract to the spouse of an officer of a second class district in which less than five hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a substitute teacher for the school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district.

Sec. 84. RCW 43.99C.045 and 1989 c 265 s 1 are each amended to read as follows:

Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census; except that, each (~~sixth, seventh, or eighth class~~) county with a population of less than twelve thousand shall receive an aggregate amount of up to seventy-five thousand dollars if, through a procedure established in rule, the department has determined there is a demonstrated need and the share determined for such county is less than seventy-five thousand dollars. No single project in a (~~class AA~~) county with a population of one million or more shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

In carrying out the purpose of this chapter, fixed assets acquired under this chapter, and no longer utilized by the program having custody of the assets, may be transferred to other public bodies either in the same county or another county. Prior to such transfer the department shall first determine if the assets can be used by another program as

designated by the department of social and health services in RCW 43.99C.020. Such programs shall have priority in obtaining the assets to ensure the purpose of this chapter is carried out.

Sec. 85. RCW 53.12.010 and 1965 c 51 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three members. In any port ((districts located in a class AA)) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more the members shall be residents of the county in which the port district is located. In all other port districts, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts.

In port districts having additional commissioners as authorized by RCW 53.12.120 and 53.12.130, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

Sec. 86. RCW 46.09.240 and 1986 c 206 s 9 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, and Indian tribes.

The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:

(a) In the newspaper of general circulation published nearest the proposed project;

(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and

(c) If the proposed project is located in a county ((of class four or lower)) with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that ((is class three or above)) has a population of forty thousand or more.

(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.

Sec. 87. RCW 46.52.100 and 1987 c 3 s 18 are each amended to read as follows:

Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction

deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties ((of class A and of the first class)) with populations of one hundred twenty-five thousand or more such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

Sec. 88. RCW 47.26.121 and 1990 c 266 s 4 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of fifteen members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) The assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (b) the assistant secretary for highways of the department of transportation; and (c) the state aid engineer of the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county ((of the first class or larger)) with a population of one hundred twenty-five thousand or more; one member shall be a county engineer from a county ((of the second class or smaller)) with a population of less than one hundred twenty-five thousand; one member shall be the executive director of the county road administration board, created by RCW 36.78.060; two members shall be county executives, council members, or commissioners from counties ((of the first class or larger)) with a population of one hundred twenty-five thousand or more; one member shall be a county executive, council member, or commissioner from a county ((of the second class or smaller)) with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county.

For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers, public works directors, or other city employees with responsibility for public works activities, of cities over twenty thousand population; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city.

(4) Appointments of county and city representatives shall be made by the secretary of the department of transportation, with initial appointments to be made by July 1, 1988. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members and the association of Washington cities for city members. Except as provided in subsection (5) of this section, terms of appointment are four years. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(5) The initial appointment to the board for three county representatives and three city representatives shall be for terms of two years and the remainder of the appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years.

(6) The board shall elect a chair from among its members for a two-year term.

(7) Expenses of the board, including administration of the transportation improvement program, shall be paid from the urban arterial account.

Sec. 89. RCW 53.12.020 and 1986 c 262 s 2 are each amended to read as follows:

In a port ((districts located in a class AA)) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more no person shall be eligible to hold the office of port commissioner unless he or she is a qualified voter of the district. In all other port districts ((except those located in a class AA county)) the person must be a qualified voter of the commissioner district from which he or she is elected.

If, pursuant to RCW 29.21.350, a void in candidacy has been declared for a port district, any registered voter of the port district is eligible to file a declaration of candidacy for the office of port commissioner when filing for the office is reopened pursuant to RCW 29.21.360 or 29.21.370.

Sec. 90. RCW 53.12.035 and 1965 c 51 s 3 are each amended to read as follows:

((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in RCW 29.21.060, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.)) In port districts ((with five commissioners in existence on July 1, 1965)) that transition from a three-member board to a five-member board, the respective numbered port commissioner positions shall correspond to the numbers of the county ((commissioner)) legislative authority districts from which the three original commissioners in the port districts were elected, ((with the central district being numbered one)) if the county had a three-member county legislative authority, and with positions

four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.))~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

Sec. 91. RCW 53.12.035 and 1990 c 59 s 108 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in Title 29 RCW, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.))~~

In port districts ((with five commissioners in existence on July 1, 1965,)) that transition from a three-member board to a five-member board the respective numbered port commissioner positions shall correspond to the numbers of the county ((commissioner)) legislative authority districts from which the three original commissioners in the port districts were elected, ((with the central district being numbered one)) if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.))~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

Sec. 92. RCW 53.25.100 and 1955 c 73 s 10 are each amended to read as follows:

All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of eminent domain in the acquirement or damaging of all lands, property and property rights and the levying and collecting of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade, and protect such property; to provide, maintain, and operate water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks, and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or property or any part thereof; to establish local improvement districts within such industrial development districts which may, but need not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding

ten years, on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district; to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law upon port districts in counties (~~(of the first class)~~) with a population of one hundred twenty-five thousand or more: PROVIDED, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the state for the exercise of such powers by port districts under the general laws relating thereto insofar as the same shall not be inconsistent with this chapter.

Sec. 93. RCW 53.31.020 and 1986 c 276 s 2 are each amended to read as follows:

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

(1) "Port district" means any port district other than a county-wide port district in a (~~class A or AA~~) county with a population of two hundred ten thousand or more, established under Title 53 RCW.

(2) "Export services" means the following services when provided in order to facilitate the export of goods or services through Washington ports: International market research, promotion, consulting, marketing, legal assistance, trade documentation, communication and processing of foreign orders to and for exporters and foreign purchasers, financing, and contracting or arranging for transportation, insurance, warehousing, foreign exchange, and freight forwarding.

(3) "Export trading company" means an entity created by a port district under RCW 53.31.040.

(4) "Obligations" means bonds, notes, securities, or other obligations or evidences of indebtedness.

(5) "Person" means any natural person, firm, partnership, association, private or public corporation, or governmental entity.

Sec. 94. RCW 53.49.010 and 1943 c 282 s 1 are each amended to read as follows:

Whenever any port district located in any county (~~(of the sixth class)~~) with a population of from eight thousand to less than twelve thousand shall be dissolved and disestablished or is about to be dissolved and disestablished and any sums of money remain in any of its funds, the port commissioners are authorized and directed to apply by petition, which may be filed without fee, to the superior court of such county for an order authorizing the transfer of such funds to the school district fund or if there be more than one such district, the school district funds of all districts, which are located within the boundaries of such port district.

Sec. 95. RCW 54.16.180 and 1977 ex.s. c 31 s 1 are each amended to read as follows:

A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: PROVIDED, That the affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale: PROVIDED FURTHER, That a district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to another public utility district, city, town or other municipal corporation without the approval of the voters; or may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either within or without its boundaries, which has become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, without the approval of the voters: PROVIDED FURTHER,

That a public utility district located within a county (~~(of the first class)~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand may sell and convey to a city of the first class, which owns its own water system, all or any part of a water system owned by said public utility district where a portion of it is located within the boundaries of such city, without approval of the voters upon such terms and conditions as the district shall determine: PROVIDED FURTHER, That a public utility district located in a (~~(fifth class)~~) county with a population of from twelve thousand to less than eighteen thousand and bordered by the Columbia river may, separately or in connection with the operation of a water system, or as part of a plan for acquiring or constructing and operating a water system, or in connection with the creation of another or subsidiary local utility district, may provide for the acquisition or construction, additions or improvements to, or extensions of, and operation of a sewage system within the same service area as in the judgment of the district commission is necessary or advisable in order to eliminate or avoid any existing or potential danger to the public health by reason of the lack of sewerage facilities or by reason of the inadequacy of existing facilities: AND PROVIDED FURTHER, That a public utility district located within a county (~~(of the first class)~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand bordering on Puget Sound may sell and convey to any city of the third class or town all or any part of a water system owned by said public utility district without approval of the voters upon such terms and conditions as the district shall determine. Public utility districts are municipal corporations for the purposes of this section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

Sec. 96. RCW 56.04.120 and 1979 c 35 s 1 are each amended to read as follows:

(1) On and after March 16, 1979, any sewerage improvement districts created under Title 85 RCW and located in (~~(third class counties)~~) a county with a population of from forty thousand to less than seventy thousand shall become sewer districts and shall be operated, maintained, and have the same powers as sewer districts created under Title 56 RCW, upon being so ordered by the (~~(board of)~~) county (~~(commissioners)~~) legislative authority of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts and obligees at least thirty days prior to such hearing. After such hearing if the (~~(board of)~~) county (~~(commissioners)~~) legislative authority finds the converting of such district to be in the best interest of that district, it shall order that such sewer improvement district shall become a sewer district and fix the date of such conversion. All debts, contracts and obligations created while attempting to organize or operate a sewerage improvement district and all other financial obligations and powers of the district to satisfy such obligations established under Title 85 RCW are legal and valid until they are fully satisfied or discharged under Title 85 RCW.

(2) The board of supervisors of a sewerage improvement district in a (~~(third class)~~) county with a population of from forty thousand to less than seventy thousand shall act as the board of commissioners of the sewer district created under subsection (1) of this section until other members of the board of commissioners of the sewer district are elected and qualified. There shall be an election on the same date as the 1979 state general election and the seats of all three members of the governing authority of every entity which was previously known as a sewerage improvement district in a (~~(third class)~~) county with a population of from forty thousand to less than seventy thousand shall be up for election. The election shall be held in the manner provided for in RCW 56.12.020 for the election of the first board of commissioners of a sewer district. Thereafter, the

terms of office of the members of the governing body shall be determined under RCW 56.12.020.

Sec. 97. RCW 57.90.010 and 1979 ex.s. c 30 s 11 are each amended to read as follows:

Water, sewer, park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority, hereinafter referred to as "special districts", which are located wholly or in part within a (~~class AA or A~~) county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five year period.

Sec. 98. RCW 67.28.090 and 1967 c 236 s 2 are each amended to read as follows: There is created a stadium commission to consist of six members to be selected as follows:

The governor shall appoint a (~~chairman~~) chair and one other member of the commission.

Any (~~class AA county, class A county, or first class~~) county with a population of one hundred twenty-five thousand or more may within ninety days following June 8, 1967 submit to the governor a request that the commission conduct a study and investigation as provided in RCW 67.28.100 relative to the construction of a stadium within such county. Such request shall be supported by plans and other relevant information.

Within two weeks of the end of the ninety-day period, the governor and/or the two members of the commission appointed by him or her shall meet and consider any such requests, and shall accept that request which in their sole discretion appears to present the most feasible plan.

Thereupon, the (~~board of~~) county (~~commissioners~~) legislative authority of the county whose request is accepted shall select two members from its body as members of the commission, and the mayor of the city having the largest population in such county shall appoint two members from such city's legislative body to the commission.

The commission shall meet at such time or times as may be designated either by the governor or by the (~~chairman~~) chair of the board, and shall serve without compensation. They shall receive, for time spent on the commission, per diem and mileage allowances in conformity with the amounts allowed for legislators under the provisions of RCW 44.04.120.

Sec. 99. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such

county shall be exempt from the provisions of ~~((subsection))~~ (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In ~~((class AA counties))~~ any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in ~~((counties))~~ other ~~((than class AA))~~ counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art museums, cultural museums, the arts, and/or the performing arts.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of

first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

Sec. 100. RCW 67.28.240 and 1988 ex.s. c 1 s 21 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a ~~((class A))~~ county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

Sec. 101. RCW 70.46.030 and 1969 ex.s. c 70 s 1 are each amended to read as follows:

A health district to consist of one county only and including all cities and towns therein except cities having a population of over one hundred thousand may be created whenever the ~~((board of county commissioners))~~ county legislative authority of the county shall pass a resolution to organize such a health district under chapter 70.05 RCW and RCW 70.46.020 through 70.46.090. The district board of health of such district shall consist of not less than five members, including the three members of the ~~((board of county commissioners))~~ county legislative authority of the county: PROVIDED, That if such health district consists of a county ~~((of the second class))~~ with a population of from seventy thousand to less than one hundred twenty-five thousand, the district board of health shall consist of not less than six members, including the three members of the ~~((board of county commissioners))~~ county legislative authority of the county and one person who is a qualified voter of an unincorporated rural area of the county and who is appointed by the legislative authority of the county. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the respective populations and financial contributions of such cities and towns.

At the first meeting of a district board of health, the members shall elect a chairman to serve for a period of one year.

Sec. 102. RCW 70.54.180 and 1979 ex.s. c 63 s 2 are each amended to read as follows:

(1) For the purpose of this section "telecommunication device" means an instrument for telecommunication in which speaking or hearing is not required for communicators.

(2) The county legislative authority of each (~~fourth class or larger~~) county with a population of eighteen thousand or more and the governing body of each city with a population in excess of ten thousand shall provide by July 1, 1980₂ for a telecommunication device in their jurisdiction or through a central dispatch office that will assure access to police, fire, or other emergency services.

(3) The county legislative authority of each (~~fifth class or smaller~~) county with a population of eighteen thousand or less shall by July 1, 1980₂ make a determination of whether sufficient need exists with their respective counties to require installation of a telecommunication device. Reconsideration of such determination will be made at any future date when a deaf individual indicates a need for such an instrument.

Sec. 103. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties (~~of the first class, class A or class AA,~~) with populations of one hundred twenty-five thousand or more are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or members of county ((commissioners)) legislative authorities or other officers as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

Sec. 104. RCW 70.94.055 and 1967 c 238 s 5 are each amended to read as follows:

The (~~board of~~) county (~~commissioners~~) legislative authority of any county (~~other than a first class, class A or class AA county~~) with a population of less than one hundred twenty-five thousand may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by one hundred property owners within the county. If the (~~board of~~) county (~~commissioners~~) legislative authority determines as a result of the public hearing that:

(1) Air pollution exists or is likely to occur; and

(2) The city or town ordinances or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, (~~they~~) it shall by resolution activate an air pollution control authority or combine with a contiguous county or counties to form a multicounty air pollution control authority.

Sec. 105. RCW 70.142.040 and 1984 c 187 s 3 are each amended to read as follows:

Each local health department serving a county (~~(of the first class or larger)~~) with a population of one hundred twenty-five thousand or more may establish water quality standards for its jurisdiction more stringent than standards established by the state board of health. Each local health department establishing such standards shall base the standards on the best available scientific information.

Sec. 106. RCW 71.05.135 and 1989 c 174 s 1 are each amended to read as follows:

In (~~(class A counties and counties of the first through ninth classes)~~) each county with a population of less than one million, the superior court may appoint the following persons to assist the superior court in disposing of its business: PROVIDED, That such positions may not be created without prior consent of the county legislative authority:

- (1) One or more attorneys to act as mental health commissioners; and
- (2) Such investigators, stenographers, and clerks as the court shall find necessary to carry on the work of the mental health commissioners.

The appointments provided for in this section shall be made by a majority vote of the judges of the superior court of the county and may be in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Mental health commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a mental health commissioner may also be appointed to any other commissioner position authorized by law.

Sec. 107. RCW 71.24.045 and 1989 c 205 s 4 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

- (a) Outpatient services;
- (b) Emergency care services for twenty-four hours per day;
- (c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;
- (d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;
- (e) Consultation and education services;
- (f) Residential and inpatient services, if the county chooses to provide such optional services; and
- (g) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is ~~((equal to or greater than that of a county of the first class))~~ one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 108. RCW 74.20.210 and 1969 ex.s. c 173 s 14 are each amended to read as follows:

The prosecuting attorney of any county except ~~((class AA counties))~~ a county with a population of one million or more may enter into an agreement with the attorney general whereby the duty to initiate petitions for support authorized under the provisions of chapter 26.21 RCW as it is now or hereafter amended (Uniform Reciprocal Enforcement of Support Act) in cases where the petitioner has applied for or is receiving public assistance on behalf of a dependent child or children shall become the duty of the attorney general. Any such agreement may also provide that the attorney general has the duty to represent the petitioner in intercounty proceedings within the state initiated by the attorney general which involve a petition received from another county. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all powers of the prosecuting attorney in connection with said petitions.

Sec. 109. RCW 76.12.030 and 1988 c 128 s 24 are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.

(2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county (~~of the seventh, eighth, or ninth class~~) with a population of less than nine thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

Sec. 110. RCW 79.08.170 and 1983 c 3 s 201 are each amended to read as follows:

The duties of the county auditor in (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more, with regard to sales and leases of the state lands dealt with under Title 79 RCW except RCW 79.01.100, 79.01.104, and 79.94.040, are transferred to the county treasurer.

Sec. 111. RCW 81.100.030 and 1990 c 43 s 14 are each amended to read as follows:

(1) A (~~class AA~~) county with a population of one million or more, or a (~~class A~~) county with a population of from two hundred ten thousand to less than one million that is adjoining a (~~class AA~~) county with a population of one million or more, and having within its boundaries existing or planned high occupancy vehicle lanes on the state highway system, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. The county imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the county that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

Sec. 112. RCW 81.100.060 and 1990 c 43 s 17 are each amended to read as follows:

A (~~class AA~~) county with a population of one million or more and a (~~class A~~) county with a population of from two hundred ten thousand to less than one million that is adjoining a (~~class AA~~) county with a population of one million or more, having within their boundaries existing or planned high occupancy vehicle lanes on the state

highway system may, with voter approval, impose a local surcharge of not more than fifteen percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Counties imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to state motor vehicle excise taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under this section.

Sec. 113. RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any ~~((class A))~~ county with a population of from two hundred ten thousand to less than one million that is not bordered by a ~~((class AA))~~ county with a population of one million or more, and in ~~((counties of the first class and smaller))~~ each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

Sec. 114. RCW 81.104.040 and 1990 c 43 s 25 are each amended to read as follows:

(1) Agencies in ~~((a class AA))~~ each county with a population of one million or more, and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and

a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation system plan and an implementation program including a financing package. This plan shall be in conformance with the metropolitan planning organization's regional transportation plan.

(c) Interlocal agreements shall be executed within two years of March 14, 1990. The joint regional policy committee shall present a high capacity transportation plan and local funding program to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation plan and financing program in any service district within each county. Implementation of the program may proceed in any service area approving the plan and program.

(2) If interlocal agreements have not been executed within two years from March 14, 1990, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a ~~((class AA))~~ county with a population of one million or more, and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more.

(a) Public notice of the conference shall occur thirty days before the date of the conference.

(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a ~~((class AA))~~ county with a population of one million or more and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more and to determine the desirability of a regional approach to developing such service.

(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.

(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.

(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.

(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.

(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a

conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.

(4) High capacity transportation service planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

Sec. 115. RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties))~~ each county with a population of two hundred ten thousand or more and each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in RCW 81.104.040 are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, it must comply with the process prescribed in RCW 81.104.100 and 81.104.110.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

Sec. 116. RCW 82.14.045 and 1984 c 112 s 1 and 1983 c 3 s 216 are each reenacted and amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a (~~class AA~~) county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated

transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273.

Sec. 117. RCW 82.44.150 and 1990 c 42 s 308 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within a ~~((class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county))~~ county with a population of one million or more, or within a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of from one hundred twenty-five thousand to less than two hundred thousand that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a ~~((class AA county or within a class A county contiguous to a class AA))~~ county with a population of one million or more and a county with a population of from two hundred thousand to less

than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the transportation fund created in RCW 82.44.180, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-

generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 118. RCW 87.19.020 and 1923 c 161 s 6 are each amended to read as follows:

The notice of election provided for in this chapter shall be given and ~~((said))~~ the election held in all respects in accordance with RCW 87.03.200, except in ~~((first class and class A counties))~~ each county with a population of one hundred twenty-five thousand or more, where the ~~((said))~~ notice and election shall be held in the manner provided by law for such counties.

Sec. 119. RCW 88.32.230 and 1970 ex.s. c 42 s 37 are each amended to read as follows:

Whenever the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((of the first class of this state shall))~~ with a population of one hundred twenty-five thousand or more deems it for the interest of the county to engage in or to aid the United States of America, the state of Washington, or any adjoining county or any city of this state, or any of them, in construction, enlargement, improvement, modification, repair or operation of any harbor, canal, waterway, river channel, slip, dock, wharf, or other public improvement, or any of the same, for the purposes of commerce, navigation, sanitation and drainage, or any thereof, or to acquire or operate wharf sites, dock sites, or other properties, rights or interests, or any thereof, necessary or proper to be acquired or operated for public enjoyment of any such public improvement, and to incur indebtedness to meet the cost thereof and expenses connected therewith, and issue bonds of the county for the payment of such indebtedness, or any thereof, such county is hereby authorized and empowered, by and through its county ~~((commissioners))~~ legislative authority, to engage in or aid in any such public work or works, operation or acquisition, as aforesaid, and to incur indebtedness for such purpose or purposes to an amount, which, together with the then existing indebtedness of such county, shall not exceed two and one-half percent of the value of the taxable property in said county, as the term "value of the taxable property" is defined in RCW 39.36.015, and to issue the negotiable bonds of the county for all or any of such indebtedness and for the payment thereof, in the manner and form and as provided in ~~((sections 1846 to 1851, inclusive, of Ballinger's Annotated Codes and Statutes of Washington))~~ chapter 39.46 RCW, and other laws of this state which shall then be in force, and to make part or all of such payment in bonds or in moneys derived from sale or sales thereof, or partly in such bonds and partly in such money: PROVIDED, That ~~((said commissioners))~~ the county legislative authority shall have first submitted the question of incurring such indebtedness to the voters of the county at a general or special election, and three-fifths of the voters voting upon the question shall have voted in favor of incurring the same.

Sec. 120. RCW 53.31.911 and 1990 c 297 s 23 are each reenacted and amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) RCW 53.31.010 and 1986 c 276 s 1;
- (2) RCW 53.31.020 and 1991 c ... s 93 (section 93 of this act) & 1986 c 276 s 2;
- (3) RCW 53.31.030 and 1986 c 276 s 3;
- (4) RCW 53.31.040 and 1989 c 11 s 23 & 1986 c 276 s 4;
- (5) RCW 53.31.050 and 1986 c 276 s 5; and
- (6) RCW 53.31.060 and 1986 c 276 s 6.

NEW SECTION. Sec. 121. The following acts or parts of acts are each repealed:

- (1) RCW 29.13.025 and 1990 c 59 s 101, 1979 ex.s. c 126 s 13, & 1965 c 9 s 29.13.025;
- (2) RCW 36.13.010 and 1963 c 4 s 36.13.010;
- (3) RCW 36.13.075 and 1963 c 4 s 36.13.075;
- (4) RCW 36.13.080 and 1963 c 4 s 36.13.080;
- (5) RCW 36.13.090 and 1963 c 4 s 36.13.090;
- (6) RCW 36.93.920 and 1969 ex.s. c 111 s 10;
- (7) RCW 53.12.040 and 1965 c 51 s 4, 1959 c 175 s 2, & 1959 c 17 s 7;
- (8) RCW 53.12.044 and 1963 c 200 s 21, 1959 c 175 s 4, & 1951 c 69 s 3;
- (9) RCW 53.12.055 and 1965 c 51 s 5 & 1959 c 175 s 10;
- (10) RCW 53.12.160 and 1963 c 200 s 19, 1951 c 68 s 1, 1941 c 17 s 1, & 1935 c 133 s 1; and
- (11) RCW 53.12.210 and 1963 c 200 s 20, 1941 c 45 s 1, & 1925 ex.s. c 113 s 1.

NEW SECTION. Sec. 122. (1) Sections 28, 29, 32, and 91 of this act shall take effect July 1, 1992.

(2) Section 46 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 123. (1) Section 90 of this act shall expire July 1, 1992.

(2) Section 45 of this act shall expire July 1, 1993.

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 2.32.180, 2.32.280, 3.30.020, 3.38.030, 3.74.940, 7.06.010, 8.04.080, 9.73.220, 13.04.035, 13.04.093, 13.20.010, 13.20.060, 13.70.005, 15.60.170, 19.27.160, 26.12.050, 27.24.062, 27.24.068, 28A.315.450, 28A.315.460, 28A.315.590, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 29.04.200, 29.13.060, 29.30.060, 29.42.050, 29.42.070, 29.82.060, 35.21.010, 35.21.422, 35.58.040, 35.58.273, 35.81.010, 35.82.285, 36.01.130, 36.13.020, 36.13.100, 36.16.030, 36.16.030, 36.16.032, 36.16.050, 36.17.010, 36.17.020, 36.17.040, 36.24.175, 36.27.060, 36.32.240, 36.33.060, 36.33.065, 36.56.010, 36.57A.020, 36.58.030, 36.58.100, 36.64.060, 36.64.070, 36.69.010, 36.78.020, 36.78.040, 36.79.140, 36.80.010, 36.93.030, 36.93.040, 36.93.051, 36.93.061, 36.93.063, 36.93.100, 36.93.140, 36.95.020, 40.04.100, 41.14.040, 41.14.065, 41.14.070, 41.14.210, 41.28.020, 41.56.030, 42.23.030, 43.99C.045, 53.12.010, 46.09.240, 46.52.100, 47.26.121, 53.12.020, 53.12.035, 53.12.035, 53.25.100, 53.31.020, 53.49.010, 54.16.180, 56.04.120, 57.90.010, 67.28.090, 67.28.180, 67.28.240, 70.46.030, 70.54.180, 70.94.055, 70.142.040, 71.05.135, 71.24.045, 74.20.210, 76.12.030, 79.08.170, 81.100.030, 81.100.060, 81.104.030, 81.104.040, 81.104.140, 82.44.150, 87.19.020, and 88.32.230; reenacting and amending RCW 28A.315.580, 28A.315.670, 28A.315.680, 70.94.053, 82.14.045, and 53.31.911; creating a new section; repealing RCW 53.31.010, 53.31.020, 53.31.030, 53.31.040, 53.31.050, 53.31.060, 29.13.025, 36.13.010, 36.13.075, 36.13.080, 36.13.090, 36.93.920, 53.12.040, 53.12.044, 53.12.055, 53.12.160, and 53.12.210; providing effective dates; and providing expiration dates." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1201 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Haugen, Cooper and Ferguson as conferees on Substitute House Bill No. 1201.

SENATE AMENDMENT TO HOUSE BILL

April 10, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027 with the following amendment:

On page 12, beginning on line 12, after "deployed" strike "to the Persian Gulf" and insert "either to the Persian Gulf combat zone, as designated by the president of the United States through executive order, or in another location in support of the Persian Gulf combat zone,"

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Spanel moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 2027. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2027 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill NO. 2027 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslie, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel,

Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Grant - 01.

Engrossed Substitute House Bill No. 2027 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate insists on its position regarding the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1137, on page 5, line 21, and once again asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendment to Substitute House Bill No. 1137. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1137 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1137 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Anderson, Fisher, R., Leonard, Locke, Phillips, Rust, Sommers, H., Valle - 08.

Excused: Representative Grant - 01.

Substitute House Bill No. 1137 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wineberry moved that the rules be suspended and Engrossed Second Substitute Senate Bill No. 5025 be returned to second reading for purpose of amendment. The motion was carried.

MOTION FOR RECONSIDERATION

Mr. Wineberry, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the committee amendments by Committee on Human Services were adopted by the House. The motion was carried.

RECONSIDERATION

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the committee amendments by Committee on Human Services.

Ms. Leonard moved adoption of the following amendments by Representatives Leonard, Riley, McLean and Miller to the committee amendment by Committee on Human Services:

On page 3, beginning on line 3 of the amendment, strike all of section 5
Renumber remaining sections and correct internal references.

On page 4, line 1 of the amendment, after "center" strike "in violation of a court order"

On page 6, beginning on line 5 of the amendment, strike all of section 9
Renumber remaining sections and correct internal references.

On page 23, beginning on line 3 of the amendment, strike all of section 23
Renumber remaining section and correct internal references.

Ms. Leonard spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment by Committee on Human Services as amended was adopted.

With consent of the House, the following amendments by Representatives Leonard, Riley, McLean and Miller to the committee amendment to the title were adopted:

On page 23, line 15 of the title amendment, strike "74.13.035,"

On page 23, line 16 of the title amendment, strike "adding a new section to chapter 74.13 RCW;"

The committee amendment to the title by Committee on Human Services as amended was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Leonard spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Leonard yielded to question by Ms. Winsley.

Ms. Winsley: Representative Leonard, does Engrossed Second Substitute Senate Bill No. 5025 authorize parents or guardians to request an evaluation for the involuntary detention of a minor as well as the involuntary detention of a minor if they are addicted to alcohol or drugs?

Ms. Leonard: Yes, Representative Winsley. Section 16 of the House striking amendment authorizes parents or guardians to request the involuntary detention of minors and provide treatment. Parents and guardians are authorized to request the evaluation and the involuntary treatment of minors based on their ability to pay the associated costs. The budget passed by the Senate provides three hundred thousand dollars for juvenile court proceedings related to the involuntary commitment to treatment of addicted minors. While the House striking amendment does not require additional funds for this process to occur, the additional funds provided in the Senate budget would allow the evaluation and involuntary treatment process to be used by additional low-income families.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5025 as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Grant - 01.

Engrossed Second Substitute Senate Bill No. 5025 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Dorn, the House recessed until 3:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 3:30 p.m. The Clerk called the roll and all members were present except Representatives Belcher, Grant, Hine and R. Meyers.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Rayburn, Kremen and Nealey as conferees on Engrossed Substitute Senate Bill No. 5096.

The Speaker (Mr. O'Brien presiding) appointed Representatives Haugen, Appelwick and Ferguson as conferees on Substitute House Bill No. 1275.

MESSAGES FROM THE SENATE

April 25, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1008,
HOUSE BILL NO. 1040,
SUBSTITUTE HOUSE BILL NO. 1050,
HOUSE BILL NO. 1057,
SUBSTITUTE HOUSE BILL NO. 1059,
HOUSE BILL NO. 1071,
HOUSE BILL NO. 1072,
SUBSTITUTE HOUSE BILL NO. 1088,
HOUSE BILL NO. 1091,
HOUSE BILL NO. 1118,
HOUSE BILL NO. 1125,
HOUSE BILL NO. 1143,
HOUSE BILL NO. 1156,
HOUSE BILL NO. 1176,
HOUSE BILL NO. 1177,
SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1208,
HOUSE BILL NO. 1224,
ENGROSSED HOUSE BILL NO. 1228,
HOUSE BILL NO. 1264,

SUBSTITUTE HOUSE BILL NO. 1265,
 SUBSTITUTE HOUSE BILL NO. 1274,
 HOUSE BILL NO. 1312,
 SUBSTITUTE HOUSE BILL NO. 1358,
 HOUSE BILL NO. 1371,
 HOUSE BILL NO. 1372,
 HOUSE BILL NO. 1377,
 HOUSE BILL NO. 1431,
 HOUSE BILL NO. 1458,
 HOUSE BILL NO. 1480,
 HOUSE BILL NO. 1489,
 HOUSE BILL NO. 1527,
 SUBSTITUTE HOUSE BILL NO. 1571,
 SUBSTITUTE HOUSE BILL NO. 1635,
 SUBSTITUTE HOUSE BILL NO. 1721,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729,
 SUBSTITUTE HOUSE BILL NO. 1739,
 HOUSE BILL NO. 1748,
 SUBSTITUTE HOUSE BILL NO. 1782,
 SUBSTITUTE HOUSE BILL NO. 1821,
 SUBSTITUTE HOUSE BILL NO. 1861,
 SUBSTITUTE HOUSE BILL NO. 1864,
 HOUSE BILL NO. 1878,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881,
 SUBSTITUTE HOUSE BILL NO. 1886,
 HOUSE BILL NO. 1910,
 SUBSTITUTE HOUSE BILL NO. 1911,
 SUBSTITUTE HOUSE BILL NO. 1931,
 HOUSE BILL NO. 1946,
 HOUSE BILL NO. 1955,
 SUBSTITUTE HOUSE BILL NO. 1958,
 SUBSTITUTE HOUSE BILL NO. 1971,
 HOUSE BILL NO. 1986,
 HOUSE BILL NO. 1995,
 SUBSTITUTE HOUSE BILL NO. 2005,
 HOUSE BILL NO. 2057,
 HOUSE BILL NO. 2059,
 SUBSTITUTE HOUSE BILL NO. 2069,
 HOUSE BILL NO. 2082,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095,
 HOUSE BILL NO. 2106,
 HOUSE BILL NO. 2142,
 HOUSE BILL NO. 2147,
 HOUSE JOINT MEMORIAL NO. 4004,
 HOUSE JOINT MEMORIAL NO. 4008,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4011,
 HOUSE JOINT MEMORIAL NO. 4015,
 HOUSE JOINT MEMORIAL NO. 4016,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SENATE BILL NO. 5170. The President has appointed the following members as Conferees: Senators Erwin, Snyder and Thorsness, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5555. The President has appointed the following members as Conferees: Senators Anderson, Owen and Matson, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5612. The President has appointed the following members as Conferees: Senators Bluechel, Sutherland and Metcalf, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

RESOLUTION

HOUSE RESOLUTION NO. 91-4685, by Representatives Basich, Jones, Jacobsen, Fraser, Zellinsky, Heavey, Ogden, Riley, Moyer, Wilson, Hargrove and May.

WHEREAS, The United States Navy undertook the United States Exploring Expedition, 1838, the nation's first maritime attempt to pursue the international pastime of seeking new lands for commercial exploitation and the wealth and prestige such opportunities would bring the parent nation; and

WHEREAS, The United States Exploring Expedition, U.S. Ex. Ex., circumnavigated the earth between 1838 and 1842, establishing the United States as a great scientific and maritime power; and

WHEREAS, Under the iron-handed, irascible command of Lieutenant Charles Wilkes, a skilled navigator, the squadron of vessels, including the brig Porpoise, the sloops-of-war Vincennes and Peacock, and the schooner Flying Fish, established the United States presence world-wide, creating detailed charts eventually used during World War II and observations of military and national import; and

WHEREAS, The collections gathered by the scientific specialists enlisted to the U.S. Ex. Ex. have formed the nucleus of the National Institute, the

Smithsonian and Botanical Gardens, paintings, and illustrations to the National History Museum, Washington D.C.; and

WHEREAS, The U.S. Ex. Ex. placed names on hundreds of geographical locations in what now is Washington State, including Elliott Bay, Bainbridge Island, Commencement Bay, Wasp Islands, Brackenridge Bluff, Gig Harbor, Point Wells, and Mount Constitution; and

WHEREAS, Wilkes penned in his own hand, "I, notwithstanding stood for the bar of the Columbia River, after making every preparation to cross it; but on approaching nearer, I found breakers extending from Cape Disappointment to Point Adams, in one unbroken line" at his first observation of what now is Washington State on April 28, 1841. On May 8, 1841, Wilkes, when describing "the Narrows," wrote, "Nothing can be more striking than the beauty of these waters without a shoal or rock or any danger whatever...";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, in observation of the sesquicentennial of the Wilkes United States Exploring Expedition's approach to the Northwest, sighting the Columbia River, and contributions to our knowledge about the geography and ethnographic heritage of the Northwest, declare April 28, 1991, to be known as Charles Wilkes United States Exploring Expedition Day in Washington State.

Mr. Basich moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4685 was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

On motion of Ms. Cole, Representatives Grant and R. Meyers were excused.

MOTION

On motion of Mr. Ebersole, Committee on Rules was relieved of House Concurrent Resolution No. 4418 and the resolution was placed on the second reading calendar.

HOUSE CONCURRENT RESOLUTION NO. 4418, by Representatives Anderson, Jacobsen, McLean, Pruitt, Vance and Bowman

Creating the joint select committee on open government.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Anderson, McLean and Nealey spoke in favor of passage of the resolution.

House Concurrent Resolution No. 4418 was adopted.

MOTION

Mr. Van Luven moved that Committee on Education be relieved of House Joint Resolution No. 4214 and the resolution be placed at the top of the second reading calendar.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

Representatives Belcher and Hine appeared at the bar of the House.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): In relation to the motion to relieve Committee on Education of House Joint Resolution No. 4214, we have passed the time now when resolutions of this nature can be considered. Your motion would be out of order.

SENATE AMENDMENTS TO HOUSE BILL

April 9, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1400 with the following amendments:

On page 3, after line 18, insert the following:

NEW SECTION. Sec. 2. The legislature finds that there are barriers to providing residents of rural areas with access to affordable health care coverage through both public and private programs. The legislature further finds that the report on these barriers requested by the legislature in 1990 was prepared by the insurance commissioner's committee on the availability of affordable health insurance in rural areas of Washington state and declares that the regulatory and voluntary actions identified in this report should be pursued within the public and private sectors. The legislature intends through this act to foster the development and implementation of one community-based pilot project aimed at demonstrating the viability of providing health care services to residents of a rural area within the state.

NEW SECTION. Sec. 3. A new section is added to chapter 70.175 RCW to read as follows:

In administering and making awards for rural health projects under RCW 70.175.050, the secretary shall establish a process for selecting and making an award to a single participant for the development, design, and implementation of a project designed to provide a rural health care services program to residents of a rural community. Applications for rural health care services pilot programs shall include only contiguous health care catchment areas of the state that are designated as rural. Project funds may be used for any purposes related to the development, design, implementation, or introduction of a rural health care services program except that funds shall not be used

to directly contribute to any program reserves used to assure the financial viability of the program. Final approval of a project funded and authorized under this section must be obtained from the secretary before final implementation. No liability may attach or otherwise accrue to the state for the provision of or charges for services under the rural health care services program authorized under this chapter.

Sec. 4. RCW 70.175.020 and 1989 1st ex.s. c 9 s 702 are each amended to read as follows:

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

(1) "Administrative structure" means a system of contracts or formal agreements between organizations and persons providing health services in an area that establishes the roles and responsibilities each will assume in providing the services of the rural health care facility.

(2) "Department" means the department of health.

(3) "Health care delivery system" means services and personnel involved in providing health care to a population in a geographic area.

(4) "Health care facility" means any land, structure, system, machinery, equipment, or other real or personal property or appurtenances useful for or associated with delivery of inpatient or outpatient health care service or support for such care or any combination thereof which is operated or undertaken in connection with a hospital, clinic, health maintenance organization, diagnostic or treatment center, extended care facility, or any facility providing or designed to provide therapeutic, convalescent or preventive health care services.

(5) "Health care system strategic plan" means a plan developed by the participant and includes identification of health care service needs of the participant, services and personnel necessary to meet health care service needs, identification of health status outcomes and outcome measures, identification of funding sources, and strategies to meet health care needs including measures of effectiveness.

(6) "Institutions of higher education" means educational institutions as defined in RCW 28B.10.016.

(7) "Local administrator" means an individual or organization representing the participant who may enter into legal agreements on behalf of the participant.

(8) "Participant" means communities, counties, and regions that serve as a health care catchment area where the project site is located.

(9) "Project" means the Washington rural health system project.

(10) "Project site" means a site selected to participate in the project.

(11) "Rural health care facility" means a facility, group, or other formal organization or arrangement of facilities, equipment, and personnel capable of providing or assuring availability of health services in a rural area. The services to be provided by the rural health care facility may be delivered in a single location or may be geographically dispersed in the community health service catchment area so long as they are organized under a common administrative structure or through a mechanism that provides appropriate referral, treatment, and follow-up.

(12) "Secretary" means the secretary of health.

(13) "Rural health care services program" means an arrangement sponsored by a health care organization, municipal corporation, or combination of public and private entities that provides, exclusively for rural residents of its health care catchment area, access to primary, acute, or secondary health care services, either by contract or through the direct delivery of the services.

Sec. 5. RCW 70.175.030 and 1989 1st ex.s. c 9 s 703 are each amended to read as follows:

(1) The department shall establish the Washington rural health system project to provide financial and technical assistance to participants. The goal of the project is to

help assure access to affordable health care services to citizens in the rural areas of Washington state.

(2) Administrative costs necessary to implement this project shall be kept at a minimum to insure the maximum availability of funds for participants.

(3) The secretary may appoint such technical or advisory committees as he or she deems necessary consistent with the provisions of RCW 43.70.040. In appointing an advisory committee the secretary should assure representation by health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services as well as consumers, rural community leaders, and those knowledgeable of the issues involved with health care public policy. Individuals appointed to any technical advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The secretary may contract with third parties for services necessary to carry out activities to implement this chapter where this will promote economy, avoid duplication of effort, and make the best use of available expertise.

(5) The secretary may apply for, receive, participate in, and accept gifts, grants, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects related to the delivery of health care in rural areas.

(6) In designing and implementing the project the secretary shall consider the report of the Washington rural health care commission established under chapter 207, Laws of 1988, and for purposes of section 3 of this act, the report of the committee on the availability of affordable health insurance in rural areas of Washington state established under chapter 271, Laws of 1990. Nothing in this chapter requires the secretary to follow any specific recommendation contained in ~~((that))~~ those reports except as it may also be included in this chapter.

(7) The secretary shall appoint a special advisory committee for the purpose of assisting in establishing standards, making awards, designing the final project, coordinating technical assistance, and providing oversight of the demonstration project authorized under section 3 of this act. This committee shall include the director of the medical assistance program of the department of social and health services, the administrator of the state health care authority, the administrator of the basic health plan, and the director of the department of labor and industries, and may include any other representatives deemed necessary by the secretary.

(8) The successful applicant for implementation of a project under section 3 of this act is exempt from all provisions of Title 48 RCW after the secretary makes a specific determination that the applicant:

(a) Has obtained an actuarial study through a consultant approved by the secretary which concludes that the rural health care services program is financially viable;

(b) Has demonstrated public support from the citizens residing within the catchment area of the rural health care services program through an affirmative vote on that issue presented to them at a general or special election; and

(c) Has verified that all provider contracts within the rural health care services program hold individual beneficiaries harmless for charges for services arising in the event of a failure of the plan.

(9) The secretary, in consultation with the special advisory committee authorized in subsection (7) of this section, shall evaluate the project authorized under section 3 of this act. The secretary shall report to the legislature and the governor within four years of the initial commencement of health care service delivery. The evaluation shall assess whether the program has maintained financial viability, improved access to health care services, and increased utilization of local health care providers. The evaluation shall also

include recommendations to continue or expand the program, including any necessary legislative changes.

(10) The secretary may authorize enrollment limits to the program provided such limits do not jeopardize its financial viability.

NEW SECTION. Sec. 6. If specific funding for the purposes of sections 2 through 5 of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 2 through 5 of this act shall be null and void.

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "amending RCW 70.175.050, 70.175.020 and 70.175.030; adding a new section to chapter 70.175 RCW; and creating new sections." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to House Bill No. 1400.

POINT OF ORDER

Mr. Zellinsky: Mr. Speaker, would you rule on the scope and object of the amendments to House Bill No. 1400, please?

With consent of the House, further consideration of House Bill No. 1400 was deferred.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate refuses to recede from its amendments to SUBSTITUTE HOUSE BILL NO. 1703, and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators von Reichbauer, Madsen and Oke.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House insist on its position regarding the Senate amendment on page 21, line 9, to Substitute House Bill No. 1703 and once again ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1013,

SUBSTITUTE HOUSE BILL NO. 1019,
HOUSE BILL NO. 1024,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031,
HOUSE BILL NO. 1032,
SUBSTITUTE HOUSE BILL NO. 1051,
SUBSTITUTE HOUSE BILL NO. 1052,
SUBSTITUTE HOUSE BILL NO. 1054,
SUBSTITUTE HOUSE BILL NO. 1082,
ENGROSSED HOUSE BILL NO. 1096,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105,
SUBSTITUTE HOUSE BILL NO. 1112,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1136,
ENGROSSED HOUSE BILL NO. 1139,
SUBSTITUTE HOUSE BILL NO. 1142,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181,
HOUSE BILL NO. 1206,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,
SUBSTITUTE HOUSE BILL NO. 1222,
HOUSE BILL NO. 1262,
HOUSE BILL NO. 1263,
ENGROSSED HOUSE BILL NO. 1277,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1316,
SUBSTITUTE HOUSE BILL NO. 1336,
HOUSE BILL NO. 1339,
SUBSTITUTE HOUSE BILL NO. 1342,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1389,
SUBSTITUTE HOUSE BILL NO. 1416,
ENGROSSED HOUSE BILL NO. 1428,
HOUSE BILL NO. 1467,
HOUSE BILL NO. 1470,
HOUSE BILL NO. 1487,
ENGROSSED HOUSE BILL NO. 1500,
SUBSTITUTE HOUSE BILL NO. 1525,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534,
HOUSE BILL NO. 1558,
HOUSE BILL NO. 1581,
SUBSTITUTE HOUSE BILL NO. 1649,
HOUSE BILL NO. 1675,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686,
ENGROSSED HOUSE BILL NO. 1723,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,
ENGROSSED HOUSE BILL NO. 1740,
SUBSTITUTE HOUSE BILL NO. 1743,
SUBSTITUTE HOUSE BILL NO. 1771,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1777,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813,
SUBSTITUTE HOUSE BILL NO. 1830,

SUBSTITUTE HOUSE BILL NO. 1852,
 SUBSTITUTE HOUSE BILL NO. 1858,
 SUBSTITUTE HOUSE BILL NO. 1919,
 SUBSTITUTE HOUSE BILL NO. 1957,
 HOUSE BILL NO. 1992,
 SUBSTITUTE HOUSE BILL NO. 1997,
 HOUSE BILL NO. 2021,
 SUBSTITUTE HOUSE BILL NO. 2042,
 SUBSTITUTE HOUSE BILL NO. 2044,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137,
 HOUSE BILL NO. 2163,
 HOUSE BILL NO. 2198,
 HOUSE JOINT RESOLUTION NO. 4218,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4221,
 and the same are herewith transmitted.

Gordon A. Golob, Secretary.

MESSAGE FROM THE SENATE

April 24, 1991

Mr. Speaker:

The Senate refuses to grant the request of the House for a Conference on ENGROSSED HOUSE BILL NO. 2093, insists on its position regarding the Senate amendments, and once again asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House insist on its position regarding the Senate amendments to Engrossed House Bill No. 2093 and once again ask the Senate for a conference thereon. The motion was carried.

MESSAGE FROM THE SENATE

April 24, 1991

Mr. Speaker:

The Senate insists on its position regarding the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, and once again asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House insist on its position regarding the Senate amendments to Engrossed Substitute House Bill No. 2071 and once again ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 24, 1991

Mr. Speaker:

The Senate has receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1194 on page 19, lines 2 and 6, refuses to recede from the remainder of its amendments, and asks for a Conference thereon. The President has appointed the following members as Conferees: Senators Roach, Sutherland and L. Smith.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House grant the request of the Senate for a conference on Substitute House Bill No. 1194. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Haugen, Bray and Ferguson as conferees on Substitute House Bill No. 1194.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate adheres to its position on the Senate amendments to HOUSE BILL NO. 1151, and once again asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House adhere to its position regarding the Senate amendments to House Bill No. 1151. The motion was carried.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate refuses to grant the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5418, insists on its position regarding the

House amendments, and again asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5418 and again ask the Senate for a conference thereon. The motion was carried.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5526, and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Anderson, Bauer and Matson, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Heavey moved that the House grant the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 5526. The motion was carried.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5458, and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Johnson, Bauer and L. Smith, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Leonard moved that the House insist on its position regarding the House amendments to Substitute Senate Bill No. 5458 and again ask the Senate to concur therein. The motion was carried.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5301, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Haugen moved that the House recede from its amendments to Substitute Senate Bill No. 5301 and pass the bill without said amendments. The motion was carried.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5301 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5301 without the House amendments, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Grant, Meyers, R. - 02.

Substitute Senate Bill No. 5301 without the House amendments, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 24, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby

appropriated and authorized to be incurred for capital projects during the period ending June 30, 1993, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Emerg Water Proj Rev Acct" means State Emergency Water Project Revolving Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

"PART 1

GENERAL GOVERNMENT"

NEW SECTION. Sec. 3. FOR THE OFFICE OF THE SECRETARY OF STATE

- (1) Northwest Washington Regional Branch Archives: To design and construct the northwest Washington regional branch archives (90-1-003)

Reappropriation:

St Bldg Constr Acct \$ 2,839,000

Appropriation:

St Bldg Constr Acct \$ 360,000

Prior Biennia (Expenditures) \$ 200,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,399,000

- (2) Olympia Archives Building: To acquire and install moveable shelving in the Olympia archives building (92-2-005)

Appropriation:

St Bldg Constr Acct \$ 60,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 60,800

- (3) Birch Bay: To replace the roof and doors at the Birch Bay essential storage site (92-3-003)

Appropriation:	
St Bldg Constr Acct	\$ 22,200
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 22,200

- (4) Puget Sound Regional Branch Archives: To preplan renovations and begin initial repair of a building adjacent to the existing Puget Sound branch archives (92-5-002)

Appropriation:	
St Bldg Constr Acct	\$ 52,400
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 500,000
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TOTAL	\$ 552,400

NEW SECTION. Sec. 4. FOR THE COURT OF APPEALS

Washington State Court of Appeals Courthouse, Spokane: To upgrade the heating-ventilation-air conditioning system and convert a supply room into a secure vault for storage of court records and evidence

Appropriation:	
St Bldg Constr Acct	\$ 236,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 236,000

NEW SECTION. Sec. 5. FOR THE OFFICE OF FINANCIAL MANAGEMENT

- (1) Local jail facilities (88-2-001)

Reappropriation:	
St Bldg Constr Acct	\$ 308,000
Prior Biennia (Expenditures)	\$ 2,692,000
Future Biennia (Projected Costs)	\$ 0
<hr/>	
TOTAL	\$ 3,000,000

- (2) For environmental cleanup related to underground storage tanks

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection (2) shall be allocated to the agencies and institutions of the state for environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection (2) or in any subsection specifically referencing this subsection (2) may be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Appropriation:

St Bldg Constr Acct	\$	3,579,000
CEP & RI Acct	\$	390,000
For Dev Acct	\$	37,000
Res Mgmt Cost Acct	\$	118,000

Subtotal Appropriation	\$	4,124,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	-----0-
TOTAL	\$	4,124,000

(3) For asbestos removal or abatement projects

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection (3) shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

(b) No moneys appropriated in this subsection (3) or in any subsection specifically referencing this subsection (3) may be expended unless the asbestos removal or abatement project is required by an order of a court of competent jurisdiction or required by federal law or regulation.

Reappropriation:

St Bldg Constr Acct	\$	3,860,000
CEP & RI Acct	\$	25,000

Subtotal Reappropriation	\$	3,885,000

Appropriation:

St Bldg Constr Acct	\$	9,578,000
CEP & RI Acct	\$	540,000

Subtotal Appropriation	\$	10,118,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	14,013,000

(4) Higher education: Branch campuses site acquisition and development (90-5-002)

The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board. The appropriations in this section are subject to the following conditions and limitations:

(a) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

(b) The appropriation in this subsection shall not be expended for land acquisition in the Spokane area until an environmental study has been completed that indicates the property is free of toxic substances.

(c) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct \$ 31,301,667

Appropriation:

St Bldg Constr Acct \$ 31,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 109,000,000

TOTAL \$ 171,301,667

- (5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

Appropriation:

St Bldg Constr Acct \$ 282,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 282,000

NEW SECTION. Sec. 6. FOR THE OFFICE OF THE ADMINISTRATOR FOR THE COURTS

- (1) Olympia eastside building repair: To replace the heating, ventilation, and air conditioning system

Appropriation:

St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

- (1) Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)

Reappropriation:

Cap Bldg Constr Acct \$ 23,000

Prior Biennia (Expenditures) \$ 90,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 113,000

- (2) Boiler plant structural repairs: To complete phase I of the structural repair of the capitol campus boiler plant (88-1-003)

	Reappropriation:		
	Cap Bldg Constr Acct	\$	333,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	333,000
(3)	Campus repairs: Inadequate building systems (88-2-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	566,000
	Prior Biennia (Expenditures)	\$	6,801,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,367,000
(4)	Minor works: Northern State facility repairs (90-1-012)		
	The reappropriation in this subsection is subject to the following conditions and limitations: The reappropriation shall be used for electrical cable repair and replacement.		
	Reappropriation:		
	St Bldg Constr Acct	\$	275,000
	Prior Biennia (Expenditures)	\$	744,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,019,000
(5)	Boiler plant structural repairs (90-1-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	30,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	730,000
(6)	Minor works: Sidewalks and streets (90-2-005)		
	Reappropriation:		
	Cap Bldg Constr Acct	\$	425,000
	Prior Biennia (Expenditures)	\$	75,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	500,000
(7)	Minor works: Building exterior repairs (90-2-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	180,000
	Cap Bldg Constr Acct	\$	450,000

	Subtotal Reappropriation	\$	630,000
	Prior Biennia (Expenditures)	\$	2,222,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,852,000
(8)	Minor works: Mechanical system repairs (90-2-009)		
	Reappropriation:		
	St Bldg Constr Acct	\$	600,000
	Prior Biennia (Expenditures)	\$	1,400,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,000,000
(9)	Remodel of the John A. Cherberg Building (88-2-040)		
	The appropriations in this section are subject to the following conditions and limitations: The project shall include the review of and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.		
	Reappropriation:		
	St Bldg Constr Acct	\$	3,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,000,000
(10)	Minor works: Building interior repairs (90-2-010)		
	The reappropriation in this subsection is subject to the following conditions and limitations: \$200,000 is provided solely to correct deficiencies in the legislative cafeteria, and \$100,000 is provided solely for the replacement and repair of the Office Building No. 2 electrical switch boards.		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	1,138,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,438,000
(11)	Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)		
	Reappropriation:		
	St Bldg Constr Acct	\$	5,000,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,000,000

(12) Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:		
East Cap Constr Acct	\$	45,400,000
Prior Biennia (Expenditures)	\$	27,600,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	73,000,000

(13) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for buildings to provide care for the mentally ill consistent with chapter 205, Laws of 1989.

(b) No moneys from this reappropriation may be expended until the department secures a lease with a county or a group of counties for buildings for the purpose of operating a facility for the mentally ill consistent with chapter 205, Laws of 1989.

(c) No moneys from this reappropriation may be expended for furnishings or equipment with a useful life expectancy of less than twenty years.

Reappropriation:		
St Bldg Constr Acct	\$	2,450,000
Prior Biennia (Expenditures)	\$	50,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,500,000

(14) Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)

Reappropriation:		
St Bldg Constr Acct	\$	1,800,000
Appropriation:		
St Bldg Constr Acct	\$	671,000
Prior Biennia (Expenditures)	\$	215,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,686,000

(15) Capitol Lake repairs and preservation (90-3-013)

The appropriation in this subsection is subject to the following conditions and limitations: \$85,000 of this appropriation is provided solely for shoreline repairs.

Reappropriation:	
Cap Bldg Constr Acct	\$ 70,000
Prior Biennia (Expenditures)	\$ 215,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 285,000

- (16) Small repairs and improvements: For small repairs and improvements on the capitol campus, and at other general administration facilities throughout the state (92-2-002)

Appropriation:	
Cap Bldg Constr Acct	\$ 342,000
St Bldg Constr Acct	\$ 108,000
Subtotal Appropriation	\$ 450,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,446,000
TOTAL	\$ 1,896,000

- (17) Emergency repairs (92-1-001)

Appropriation:	
Cap Bldg Constr Acct	\$ 160,000
St Bldg Constr Acct	\$ 90,000
Subtotal Appropriation	\$ 250,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,125,000
TOTAL	\$ 1,375,000

- (18) Underground storage tanks: To remove and replace underground storage tanks on the capitol campus and at the Northern State multi-service center (92-1-005)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:	
St Bldg Constr Acct	\$ 140,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,371,000
TOTAL	\$ 1,511,000

- (19) Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The new appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.

Reappropriation:

Cap Purch & Dev Acct \$ 150,000

Appropriation:

St Bldg Constr Acct \$ 22,438,000

Prior Biennia (Expenditures) \$ 350,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 22,938,000

(20) General Administration Building: To preplan renovation of the General Administration Building (92-2-005)

Appropriation:

Cap Bldg Constr Acct \$ 1,200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 22,101,000

TOTAL \$ 23,301,000

(21) Capitol Lake dredging (92-3-019)

Appropriation:

St Bldg Constr Acct \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,000,000

(22) Capitol Lake repairs (92-2-015)

Appropriation:

St Bldg Constr Acct \$ 1,125,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,125,000

(23) Campus high voltage loop improvements (2) (92-2-008)

Appropriation:

St Bldg Constr Acct	\$	1,009,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,009,000

(24) Minor works: Building electrical repairs (92-2-013)

The appropriation in this subsection is subject to the following conditions and limitations: \$150,000 is provided for electrical and data lines to be installed in the chambers of the senate and house of representatives.

Appropriation:

Cap Bldg Constr Acct	\$	317,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	588,000
TOTAL	\$	905,000

(25) Capitol campus control system improvements, phases 2 and 3 (92-2-014)

Appropriation:

Cap Bldg Constr Acct	\$	1,671,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,454,000
TOTAL	\$	3,125,000

(26) Minor works: Utilities and grounds improvements (92-2-016)

Funding is provided solely for the installation of an oil separator in the powerhouse tank drain, repair of sidewalks and steps around the capitol campus, replacement of plumbing in the Tivoli Fountain, and installation of bicycle lockers.

Appropriation:

Cap Bldg Constr Acct	\$	1,184,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,760,000
TOTAL	\$	2,944,000

(27) Minor works: Building exterior repairs (92-2-017)

Appropriation:

Cap Bldg Constr Acct	\$	1,172,000
St Bldg Constr Acct	\$	615,000
Subtotal Appropriation	\$	1,787,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	3,469,000
TOTAL	\$	5,256,000
 (28) Minor works: Building interior repairs (92-2-018)		
Appropriation:		
Cap Bldg Constr Acct	\$	600,000
St Bldg Constr Acct	\$	489,000
Subtotal Appropriation	\$	1,089,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,320,000
TOTAL	\$	2,409,000
 (29) Minor works: Building mechanical system improvements (92-2-020)		
Appropriation:		
St Bldg Constr Acct	\$	944,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,397,000
TOTAL	\$	4,341,000
 (30) Governor's Mansion structural repairs and sprinkler installation (92-2-024)		
Appropriation:		
Cap Bldg Constr Acct	\$	80,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,200,000
TOTAL	\$	1,280,000
 (31) Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021)		
Appropriation:		
CEP & RI Acct	\$	280,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,278,000
TOTAL	\$	1,558,000
 (32) Implementation strategy for state facilities in Thurston county (92-5-100)		
Appropriation:		
St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000

(33) State Capitol satellite campuses master plan (92-5-101)		
Appropriation:		
St Bldg Constr Acct	\$	750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	750,000
(34) Business park facilities master plan (92-5-102)		
Appropriation:		
St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000
(35) Capitol campus geotechnical and hydrologic survey (92-5-108)		
Appropriation:		
St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000
(36) Thurston county landbank: To acquire interest in real property for inclusion in a landbank for future state facilities in Thurston county (92-5-000)		
Appropriation:		
St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000
(37) Heritage Park: To acquire property and begin planning for a park between the capitol campus and Capitol Lake (92-5-105)		
Appropriation:		
St Bldg Constr Acct	\$	6,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	13,800,000
TOTAL	\$	20,500,000

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any projects being developed by local governments or other state agencies that affect the design or development of the park.

- (38) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

Appropriation:

Cap Bldg Constr Acct	\$	591,000
St Bldg Constr Acct	\$	500,000

Subtotal Appropriation	\$	1,091,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,091,000

- (39) Deschutes parkway road and storm drainage preplan and repairs (92-2-023)

Appropriation:

St Bldg Constr Acct	\$	285,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,627,000

TOTAL	\$	7,912,000

NEW SECTION. Sec. 8. FOR THE MILITARY DEPARTMENT

- (1) Exterior painting of facilities (88-3-007)

Reappropriation:

St Bldg Constr Acct	\$	42,000
Prior Biennia (Expenditures)	\$	974,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,016,000

- (2) Minor works (86-1-005)

Appropriation:

St Bldg Constr Acct	\$	735,000
Prior Biennia (Expenditures)	\$	525,000
Future Biennia (Projected Costs)	\$	1,517,000

TOTAL	\$	2,777,000

- (3) Small repairs and improvements: Projects less than twenty-five thousand dollars each (86-1-006)

Appropriation:

St Bldg Constr Acct	\$	292,000
Prior Biennia (Expenditures)	\$	375,000

	Future Biennia (Projected Costs)	\$	906,000
	TOTAL	\$	1,573,000
(4)	Minor works in support of small federal construction projects (86-2-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	92,000
	Appropriation:		
	General Fund-Federal	\$	1,125,000
	St Bldg Constr Acct	\$	375,000
	Subtotal Appropriation	\$	1,500,000
	Prior Biennia (Expenditures)	\$	4,160,000
	Future Biennia (Projected Costs)	\$	4,101,000
	TOTAL	\$	9,853,000
(5)	Facility heating, ventilating, and air conditioning renovation (88-3-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	93,000
	Appropriation:		
	St Bldg Constr Acct	\$	248,000
	Prior Biennia (Expenditures)	\$	461,000
	Future Biennia (Projected Costs)	\$	829,600
	TOTAL	\$	1,631,600
(6)	Roof renovation or replacement projects (88-3-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	126,000
	Appropriation:		
	St Bldg Constr Acct	\$	641,000
	Prior Biennia (Expenditures)	\$	699,000
	Future Biennia (Projected Costs)	\$	1,338,000
	TOTAL	\$	2,804,000
(7)	Life and safety code compliance: To improve life and safety deficiencies and correct code violations at armories throughout the state (88-1-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	252,000
	Appropriation:		
	St Bldg Constr Acct	\$	485,000
	Prior Biennia (Expenditures)	\$	548,000
	Future Biennia (Projected Costs)	\$	1,535,000
	TOTAL	\$	2,820,000

- (8) Underground storage tanks: To remove and replace underground storage tanks and remediate contaminated soils (88-1-008)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:	
St Bldg Constr Acct	\$ 270,000
Prior Biennia (Expenditures)	\$ 550,000
Future Biennia (Projected Costs)	\$ 373,000

TOTAL	\$ 1,393,000

- (9) Grandview Armory: To construct an armory in the city of Grandview (88-2-013)

Appropriation:	
General Fund-Federal	\$ 1,602,000
St Bldg Constr Acct	\$ 1,102,000

Subtotal Appropriation	\$ 2,704,000
Prior Biennia (Expenditures)	\$ 155,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,859,000

- (10) Buckley Armory: To construct an armory in the city of Buckley (90-2-011)

Appropriation:	
General Fund-Federal	\$ 1,728,000
St Bldg Constr Acct	\$ 1,127,000

Subtotal Appropriation	\$ 2,855,000
Prior Biennia (Expenditures)	\$ 163,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 3,018,000

- (11) Moses Lake: To construct an armory in the city of Moses Lake (90-2-013)

Appropriation:	
General Fund-Federal	\$ 1,804,000
St Bldg Constr Acct	\$ 1,206,000

Subtotal Appropriation	\$ 3,010,000
Prior Biennia (Expenditures)	\$ 170,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 3,180,000

NEW SECTION. Sec. 9. FOR THE LIQUOR CONTROL BOARD

- (1) Preplanning liquor distribution center with materials handling system (92-1-001)

Appropriation:	
Liquor Revolving Acct	\$ 120,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	120,000

"PART 2
HUMAN RESOURCES"

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

(1) Grays Harbor dredging (88-3-006)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(b) Expenditure of moneys from this reappropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being appropriated for the project.

(c) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsection (b) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsection (b) of this section, shall be used to reimburse or replace state building construction account moneys.

Reappropriation:

St Bldg Constr Acct	\$	6,840,318
Prior Biennia (Expenditures)	\$	3,159,682
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	10,000,000

(2) Housing capital programs: To construct, acquire, and rehabilitate low-income housing (88-5-015)

Reappropriation:

St Bldg Constr Acct	\$	10,000,000
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Appropriation:

St Bldg Constr Acct	\$	20,000,000
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Prior Biennia (Expenditures)	\$	8,000,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	38,000,000

(3) Columbia county courthouse (89-4-004)

The reappropriation in this subsection is provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

Reappropriation:

St Bldg Constr Acct	\$	600,000
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Appropriation:

St Bldg Constr Acct	\$	60,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	660,000

(4) Public works trust fund (90-2-001)

\$7,000,000 of the appropriation in this subsection is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5555. If this bill is not enacted by June 30, 1991, this money may be expended for other public works projects approved by the legislature under RCW 43.155.070.

Reappropriation:		
Public Works Assist	\$	85,734,000
Appropriation:		
Public Works Assist	\$	88,491,000
Prior Biennia (Expenditures)	\$	54,534,447
Future Biennia (Projected Costs)	\$	231,877,000

TOTAL	\$	460,636,447

(5) Seventh Street Hoquiam Theatre (90-2-008)

Reappropriation:		
St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	250,000

(6) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

Reappropriation:		
St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	250,000

(7) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to local governments to preserve historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from

nonstate sources is provided for the same purposes. First priority for funding under this subsection shall be given to the Admiral Theatre in west Seattle.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

(8) Emergency management building minor works (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	246,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	246,000

(9) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(10) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Grants are limited to the following projects:

Total Capital	State Match	State Portion	
	Cost		
Seattle Children's Theatre	\$ 8,000,000	\$ 1,200,000	15%
Admiral Theatre (Bremerton)	\$ 4,261,000	\$ 639,000	15%
Spokane Symphony	\$ 1,500,000	\$ 225,000	15%
Pacific Northwest Ballet	\$ 7,500,000	\$ 1,125,000	15%
Seattle Symphony	\$ 54,000,000	\$ 8,100,000	15%
Seattle Repertory Theatre	\$ 4,000,000	\$ 600,000	15%
Intiman Theatre	\$ 800,000	\$ 120,000	15%
Broadway Theatre District (Tacoma)	\$ 8,400,000	\$ 1,260,000	15%
Allied Arts of Yakima	\$ 500,000	\$ 75,000	15%
Spokane Art School	\$ 454,000	\$ 68,000	15%

Seattle Art Museum	\$ 4,862,500	\$ 729,000	15%
Tears of Joy Theatre	\$ <u>6,000,000</u>	\$ <u>900,000</u>	15%
Total	\$100,277,500	\$ 15,041,000	

(b) The state grant may provide no more than fifteen percent of the total capital cost of the project, or the state portion percentage listed in (a) of this subsection, whichever is less. The remaining portions of project capital costs shall be matching funds from nonstate sources. The matching funds may include cash and land value.

Appropriation:	
St Bldg Constr Acct	\$ 11,639,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 3,402,000
TOTAL	\$ 15,041,000

- (11) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The matching funds may include cash, land value, and other in-kind contributions.

Appropriation:	
St Bldg Constr Acct	\$ 5,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,000,000

- (12) Seattle Center redevelopment: For upgrading the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high priority building systems; and making general improvements to the site, including signs, fountains, portable stages, and fencing.

The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Appropriation:	
St Bldg Constr Acct	\$ 4,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 4,500,000

- (13) Spokane Food Bank: For construction of a freezer/cooler

Appropriation:	
St Bldg Constr Acct	\$ 125,000
Prior Biennia (Expenditures)	\$ 150,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 275,000

- (14) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus

The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Appropriation:	
St Bldg Constr Acct	\$ 500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 500,000

- (15) Nordic Heritage Museum: For building acquisition and improvements

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:	
St Bldg Constr Acct	\$ 200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 200,000

- (16) Thorp Grist Mill: Restoration

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:	
St Bldg Constr Acct	\$ 10,000
Prior Biennia (Expenditures)	\$ 20,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 30,000

- (17) A Contemporary Theater

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

Reappropriation:

	St Bldg Constr Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	750,000
(18)	Keyport Naval Undersea Museum: To complete an auditorium in the museum		
	Appropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	500,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	800,000
(19)	Marcus Whitman statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county		
	Appropriation:		
	St Bldg Constr Acct	\$	53,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	53,000
(20)	Mystic Lake flood assistance		
	Appropriation:		
	St Bldg Constr Acct	\$	53,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	53,000
(21)	Maritime Museum		
	Appropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	200,000
(22)	Snohomish county drainage district number 6		
	Appropriation:		
	St Bldg Constr Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	350,000

(23) Almira and Coulee-Hartline School District building remodel

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall not be allocated to the Coulee-Hartline school district until written confirmation has been provided to the department from the boards of directors of the two school districts that the moneys will be used to upgrade the Hartline facility for the purpose of implementing a cooperative high school program with the Almira school district under chapter 28A.340 RCW.

(b) The appropriation is contingent on the two school districts contributing matching funds of at least \$100,000.

Appropriation:

St Bldg Constr Acct	\$	240,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	240,000

(24) Acquisition of property adjacent to Ezra Meeker Mansion in Puyallup

The department shall release funds in consultation with the Washington State Historical Society at such time as the Ezra Meeker Historical Society has secured pledges and contributions for property acquisition and development in the amount of \$200,000.

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

(25) Resource Center for the Handicapped

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,500,000

(26) Tacoma educational enrichment center

The appropriation in this subsection is contingent upon a matching contribution of at least \$2,200,000 from the Tacoma school district or other local government entity. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Appropriation:

St Bldg Constr Acct	\$	2,200,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,200,000

(27) Yakima criminal justice facility: Grant to the city of Yakima for the construction of a new criminal justice facility
 The appropriation in this subsection is subject to the following conditions and limitations:

- (a) Before receiving the grant, the city shall demonstrate an ability to complete the construction of the facility and fund the operation of the new facility.
- (b) The grant shall not exceed sixty-six percent of the total project cost as determined by the department.

Appropriation:		
St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,000,000

(28) Enumclaw performing arts center: For construction and building improvements
 The appropriation in this subsection is provided solely for a grant to the city of Enumclaw for the construction of the Enumclaw performing arts center. No funds shall be expended until voter-approved bond authorization is provided as local matching funds.

Appropriation:		
St Bldg Constr Acct	\$	200,000
Prior biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

(29) Bonney Lake Park: Grant to the city of Bonney Lake for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake
 The appropriation in this subsection is subject to a match of equal value from nonstate sources.

Appropriation:		
St Bldg Constr Acct	\$	35,000
Prior biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	35,000

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

(1) Design and construct new agency headquarters in Olympia and Tumwater (90-4-004)
 Reappropriation:
 L & I Constr Acct \$ 44,700,000
 Prior Biennia (Expenditures) \$ 18,300,000

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	63,000,000
NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES			
(1)	Rainier: Renovate Evergreen Center (79-1-017)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	DSHS Constr Acct	\$	119,477
	Subtotal Reappropriation	\$	319,477
	Prior Biennia (Expenditures)	\$	4,230,523
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,550,000
(2)	Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)		
	Reappropriation:		
	Hndcp Fac Constr Acct	\$	253,531
	Prior Biennia (Expenditures)	\$	33,371
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	286,902
(3)	Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)		
	Reappropriation:		
	St Bldg Constr Acct	\$	130,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	130,000
(4)	Western State Hospital: Sanitary sewer (88-2-400)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	2,109,238
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,309,238
(5)	Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,600,000
	Prior Biennia (Expenditures)	\$	364,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,964,000
(6)	Western State Hospital: Ward renovations, phase 4 (90-1-312)		
	Reappropriation:		
	St Bldg Constr Acct	\$	6,000,000
	Prior Biennia (Expenditures)	\$	192,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,192,000
(7)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,000,000
	Prior Biennia (Expenditures)	\$	2,510,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,510,400
(8)	Minor capital renewal: Utilities and facilities (90-2-001)		
	Reappropriation:		
	CEP & RI Acct	\$	250,000
	Prior Biennia (Expenditures)	\$	500,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	750,000
(9)	Minor capital renewal: Roads and grounds (90-2-002)		
	Reappropriation:		
	CEP & RI Acct	\$	250,000
	St Bldg Constr Acct	\$	50,000
	Subtotal Reappropriation	\$	300,000
	Prior Biennia (Expenditures)	\$	698,868
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	998,868
(10)	Minor capital renewal: Roofs (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	692,268
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	842,268
(11)	Minor capital renewal: Fire and safety (90-1-004)		
	Reappropriation:		

	CEP & RI Acct	\$	250,000
	St Bldg Constr Acct	\$	200,000

	Subtotal Reappropriation	\$	450,000
	Prior Biennia (Expenditures)	\$	841,611
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,291,611
(12)	Minor capital renewal: Hazardous substance (90-1-005)		
	Reappropriation:		
	CEP & RI Acct	\$	100,000
	St Bldg Constr Acct	\$	50,000

	Subtotal Reappropriation	\$	150,000
	Prior Biennia (Expenditures)	\$	700,978
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	850,978
(13)	Emergency capital repairs (90-1-007)		
	Reappropriation:		
	CEP & RI Acct	\$	25,000
	Prior Biennia (Expenditures)	\$	444,578
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	469,578
(14)	Small repairs and improvements (90-2-008)		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	140,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	190,000
(15)	Minor projects: Bureau of alcohol (90-2-010)		
	Reappropriation:		
	CEP & RI Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	92,400
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	442,400
(16)	Minor projects: Juvenile rehabilitation division (90-2-020)		
	Reappropriation:		
	CEP & RI Acct	\$	200,000
	St Bldg Constr Acct	\$	25,000

	Subtotal Reappropriation	\$	225,000
	Prior Biennia (Expenditures)	\$	285,781
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	510,781
(17)	Minor projects: Mental health division (90-2-030)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	575,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	775,000
(18)	Minor projects: Mental health division (90-2-032)		
	Reappropriation:		
	CEP & RI Acct	\$	65,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	65,000
(19)	Snohomish county: Mental health evaluation and treatment facility (90-2-033)		

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.

(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

	Reappropriation:		
	St Bldg Constr Acct	\$	800,000
	Prior Biennia (Expenditures)	\$	200,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,000,000

(20) Minor projects: Developmental disabilities division (90-2-040)		
Reappropriation:		
St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	484,222
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	734,222
(21) Minor capital renewal, mental health (90-2-060)		
Reappropriation:		
St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000
(22) Child care facilities (90-2-300)		
Reappropriation:		
St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000
(23) Eastern State: Electrical distribution system (90-2-345)		
Reappropriation:		
St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	771,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,371,600
(24) Lakeland Village: Steam plant replacement (90-2-425)		
Reappropriation:		
St Bldg Constr Acct	\$	2,500,000
Prior Biennia (Expenditures)	\$	1,063,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,563,000
(25) Preplanning (90-4-009)		

The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.

Reappropriation:		
CEP & RI Acct	\$	50,000

	Appropriation:		
	CEP & RI Acct	\$	273,300
	Prior Biennia (Expenditures)	\$	141,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	464,700
(26)	Maple Lane: To add twenty-four new level 2 security beds (90-5-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	156,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,256,000
(27)	Echo Glen: Perimeter fence (90-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	850,000
	Prior Biennia (Expenditures)	\$	106,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	956,000
(28)	Fircrest: Food bank facility (90-5-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	288,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	788,000
(29)	Minor capital renewal fire safety (92-1-004)		
	Appropriation:		
	CEP & RI Acct	\$	742,066
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,783,600
	TOTAL	\$	2,525,666
(30)	Minor capital renewal utility and facility (92-2-001)		
	Appropriation:		
	CEP & RI Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,856,500
	TOTAL	\$	2,606,500
(31)	Minor capital renewal roads and grounds (92-2-002)		

	Appropriation:		
	CEP & RI Acct	\$	961,800
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,525,600
	TOTAL	\$	<u>2,487,400</u>
(32)	Minor capital renewal roofs (92-2-003)		
	Appropriation:		
	CEP & RI Acct	\$	819,813
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,969,900
	TOTAL	\$	<u>2,789,713</u>
(33)	Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005)		
	Appropriation:		
	CEP & RI Acct	\$	359,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	663,900
	TOTAL	\$	<u>1,022,900</u>
(34)	Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007)		
	Appropriation:		
	CEP & RI Acct	\$	250,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	538,100
	TOTAL	\$	<u>788,100</u>
(35)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060)		
	Appropriation:		
	CEP & RI Acct	\$	145,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	618,000
	TOTAL	\$	<u>763,000</u>
(36)	Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314)		

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	13,669,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	13,669,000

- (37) Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	7,578,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,578,000

- (38) Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)

Appropriation:

CEP & RI Acct	\$	192,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	430,500
TOTAL	\$	622,500

- (39) Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)

Appropriation:

CEP & RI Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000

- (40) Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)

Appropriation:

CEP & RI Acct	\$	758,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,849,731
TOTAL	\$	2,607,731

- (41) Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation, window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)
- Appropriation:
- | | | |
|--|----|-----------|
| CEP & RI Acct | \$ | 1,317,200 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 2,656,600 |
| | | ----- |
| TOTAL | \$ | 3,973,800 |
- (42) Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renovation at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and playground expansion at Yakima Valley School (92-2-040)
- Appropriation:
- | | | |
|--|----|-----------|
| CEP & RI Acct | \$ | 912,400 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 1,472,000 |
| | | ----- |
| TOTAL | \$ | 2,384,400 |
- (43) Maple Lane: To add sixty-four new level 1 security beds (92-2-225)
- The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.
- Appropriation:
- | | | |
|--|----|-----------|
| St Bldg Constr Acct | \$ | 6,715,800 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| | | ----- |
| TOTAL | \$ | 6,715,800 |
- (44) Maple Lane: To add forty-seven new level 2 security beds (92-2-230)
- The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.
- Appropriation:
- | | | |
|--|----|-----------|
| St Bldg Constr Acct | \$ | 3,107,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| | | ----- |
| TOTAL | \$ | 3,107,000 |
- (45) Child study: For construction of a new education center (high school) at the child study and treatment center (92-2-319)
- Appropriation:

	St Bldg Constr Acct	\$	2,642,300
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,642,300
(46)	Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)		
	Appropriation:		
	CEP & RI Acct	\$	292,800
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	473,500
	TOTAL	\$	766,300
(47)	Resource conservation: For energy and water conservation projects (92-4-006)		
	Appropriation:		
	CEP & RI Acct	\$	561,100
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	442,600
	TOTAL	\$	1,003,700
(48)	Peninsula Lodge renovation: To renovate the building on the Frances Hadden Morgan complex for a youth drug treatment center		
	Appropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	500,000
(49)	Washington Institute for Mental Illness Research at Western State Hospital		
	Appropriation:		
	CEP & RI	\$	700,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	700,000
	<u>NEW SECTION.</u> Sec. 13. FOR THE DEPARTMENT OF HEALTH		
(1)	Referendum 38: Water bonds (86-2-099)		
	Reappropriation:		
	Improv-Water Supply	\$	6,100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,100,000

- (2) Implementation of 1980 master plan: For the design and construction of phase 1 of the public health laboratory expansion (92-2-001)
- Appropriation:
- | | | |
|--|----|------------|
| St Bldg Constr Acct | \$ | 1,200,000 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 18,500,000 |
| TOTAL | \$ | 19,700,000 |
- (3) Consolidated request: Emergency repairs (92-2-002)
- Appropriation:
- | | | |
|--|----|--------|
| CEP & RI Acct | \$ | 49,560 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 49,560 |
- (4) Vaccine storage: For installation of a walk-in refrigeration and cold-storage unit at the public health laboratory (92-2-003)
- Appropriation:
- | | | |
|--|----|--------|
| CEP & RI Acct | \$ | 88,427 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 88,427 |
- (5) Consolidated request: Small repairs and improvements (92-2-004)
- Appropriation:
- | | | |
|--|----|--------|
| CEP & RI Acct | \$ | 49,560 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 49,560 |
- (6) Lab improvement: Pesticide and newborn screening (92-2-005)
- Appropriation:
- | | | |
|--|----|---------|
| CEP & RI Acct | \$ | 297,124 |
| Prior Biennia (Expenditures) | \$ | 0 |
| Future Biennia (Projected Costs) | \$ | 0 |
| TOTAL | \$ | 297,124 |
- (7) Fume hood addition or replacement: For addition or replacement of the fume hood in the radiation chemistry lab (92-2-007)
- Appropriation:
- | | | |
|---------------------|----|---------|
| CEP & RI Acct | \$ | 176,208 |
|---------------------|----|---------|

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	176,208
(8)	Autoclave and sterilizing oven replacement: For replacement of aging equipment at the public health laboratory (92-2-008)		
	Appropriation:		
	CEP & RI Acct	\$	92,509
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	92,509
(9)	Energy management system, phase 3 (92-4-006)		
	Appropriation:		
	CEP & RI Acct	\$	99,117
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	99,117
	<u>NEW SECTION.</u> Sec. 14. FOR THE DEPARTMENT OF VETERANS' AFFAIRS		
(1)	Minor works--Building improvements, phase 2: To complete minor works and other projects, including food service renovation (phase 2) and window replacement at the veterans' home (88-1-014)		
	Reappropriation:		
	CEP & RI Acct	\$	45,000
	Appropriation:		
	CEP & RI Acct	\$	435,570
	Prior Biennia (Expenditures)	\$	349,440
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	830,010
(2)	Minor works--Roads, walkways, and grounds: To complete minor works and other projects, including widening roadway at the veterans' home, improving and repairing roads, parking lots, and walkways at the veterans' home, and soldiers' home, and installing outdoor lighting at the soldiers' home (90-1-005)		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Appropriation:		
	CEP & RI Acct	\$	304,129
	Prior Biennia (Expenditures)	\$	100,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	454,129
(3)	Building 9: To complete air quality improvements (phase 2), including window replacement in building 9 at the soldiers' home (90-1-009)		

Reappropriation:		
CEP & RI Acct	\$	281,000
Appropriation:		
CEP & RI Acct	\$	277,951
Prior Biennia (Expenditures)	\$	313,000
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	871,951

(4) Design and renovate Garfield (90-5-012)

The appropriation in this subsection is contingent on the office of financial management reporting to the legislature on the costs of constructing, maintaining, and operating the facility funded by the appropriation, compared to the cost of reimbursing Medicaid-certified nursing homes. In addition, the appropriation in this subsection may not be expended until the department has studied the appropriateness and the costs and benefits of Medicaid certification for its existing facilities and has reported the results of this study to the legislature. Further, the appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:		
CEP & RI Acct-Federal	\$	2,878,000
CEP & RI Acct	\$	1,550,000
		<hr/>
Subtotal Appropriation \$		4,428,000
Prior Biennia (Expenditures)	\$	35,000
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	4,463,000

(5) Minor works: To upgrade underground storage tanks to meet federal requirements (92-1-001)

Appropriation:		
CEP & RI Acct	\$	60,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	353,784
		<hr/>
TOTAL	\$	413,784

(6) Contingency for emergency repairs (92-2-002)

Appropriation:		
CEP & RI Acct	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	150,000

- (7) Minor works--Mechanical: For minor projects, including air handling, steam radiator replacement, and heat exchanger replacement at the veterans' and soldiers' homes (92-2-006)
- | | |
|--|-------------------|
| Appropriation: | |
| CEP & RI Acct | \$ 307,282 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 307,282 |
- (8) Minor works--Building repairs: For minor projects, including replacing the nurses' call system, replacing automatic doors, and replacing floor tiles at the veterans' and soldiers' homes (92-2-007)
- | | |
|--|-------------------|
| Appropriation: | |
| CEP & RI Acct | \$ 121,111 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 121,111 |
- (9) Minor works--Building improvements, phase 2: Minor projects (phase 2), including expansion of the maintenance building, renovation of the commissary, and improvement of the laundry cart storage area (92-2-008)
- | | |
|--|-------------------|
| Appropriation: | |
| CEP & RI Acct | \$ 299,592 |
| Prior Biennia (Expenditures) | \$ 88,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 387,592 |
- (10) Minor works: For building feasibility studies, including the food service area at the soldiers' home, and the Chilson Hall/Roosevelt Barracks connection (92-2-011)
- | | |
|--|-------------------|
| Appropriation: | |
| CEP & RI Acct | \$ 13,414 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 145,605 |
| TOTAL | \$ 159,019 |
- (11) Steam distribution study (92-2-024)
- | | |
|--|---------------------|
| Reappropriation: | |
| CEP & RI Acct | \$ 22,200 |
| Appropriation: | |
| CEP & RI Acct | \$ 3,409 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 1,117,406 |
| TOTAL | \$ 1,143,015 |

- (12) Minor works--Building exteriors: For minor works, including roof repair/replacement and stucco repair (92-3-004)
- | | |
|--|-------------------|
| Appropriation: | |
| CEP & RI Acct | \$ 134,000 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 134,000 |
- (13) Minor works: Covered walkway (92-5-008)
- | | |
|--|------------------|
| Appropriation: | |
| CEP & RI Acct | \$ 38,038 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 38,038 |
- (14) Preplanning for an Eastern Washington Veteran's Health Service Center, including analysis of potential sites, basic facility design, cost estimates, analysis of client workload and service needs, and analysis of the facility organization and operation

In assessing the need for a facility, the preplan shall recognize that the mission of the Eastern Washington Veteran's Health Service Center will be to focus on rehabilitation of veterans in order to enable them to return to independent living in their communities. The analysis of client workload and service needs shall examine the following options:

- (a) Treatment and therapy for veterans suffering from substance abuse diseases;
 - (b) Rehabilitation and therapy that, upon completion, allow the veterans to return to or remain in the home or an alternative community living situation;
 - (c) Alzheimers disease care;
 - (d) Outpatient service for community-based eligible veterans such as post-trauma stress disorder;
 - (e) Assisted living;
 - (f) Temporary living quarters for homeless veterans;
 - (g) Adult daycare;
 - (h) Referral and coordination of services for veterans in their communities;
- and
- (i) Residential nursing care for functionally disabled veterans.

Appropriation:	
CEP & RI Acct	\$ 148,492
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 148,492

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section are subject to the following conditions and limitations:

- (a) The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.

(b) If enacted by June 30, 1991, the contracting methods authorized by Engrossed Substitute House Bill No. 1777 may be employed by the department of corrections in constructing the eligible projects contained in this section.

- (1) Washington State Reformatory: Continuation of cellblock renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,800,000

Appropriation:

St Bldg Constr Acct \$ 9,687,000

Prior Biennia (Expenditures) \$ 19,513,213

Future Biennia (Projected Costs) \$ 9,281,500

TOTAL \$ 40,281,713

- (2) Washington State Penitentiary: For improving security facilities and utilities (83-3-052)

The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.

Reappropriation:

St Bldg Constr Acct \$ 1,300,000

Appropriation:

St Bldg Constr Acct \$ 1,609,000

Prior Biennia (Expenditures) \$ 11,536,721

Future Biennia (Projected Costs) \$ 4,274,000

TOTAL \$ 18,719,721

- (3) McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)

Reappropriation:

St Bldg Constr Acct \$ 4,800,000

Appropriation:

St Bldg Constr Acct \$ 3,230,500

Prior Biennia (Expenditures) \$ 2,084,319

Future Biennia (Projected Costs) \$ 4,780,000

TOTAL \$ 14,894,819

- (4) McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)

Reappropriation:

St Bldg Constr Acct \$ 600,000

Appropriation:

	St Bldg Constr Acct	\$	1,922,500
	Prior Biennia (Expenditures)	\$	5,500,879
	Future Biennia (Projected Costs)	\$	3,737,000
	TOTAL	\$	11,760,379
(5)	McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,000,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,040,000
	Prior Biennia (Expenditures)	\$	6,184,008
	Future Biennia (Projected Costs)	\$	3,805,000
	TOTAL	\$	14,029,008
(6)	State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin Rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,298,000
	Prior Biennia (Expenditures)	\$	1,013,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,611,000
(7)	State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin Rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase reservoir capacity at Cedar Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,731,000
	Prior Biennia (Expenditures)	\$	661,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,092,000
(8)	McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)		

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct \$ 27,000,000

Appropriation:

St Bldg Constr Acct \$ 37,126,000

Prior Biennia (Expenditures) \$ 5,012,222

Future Biennia (Projected Costs) \$ 12,708,000

TOTAL \$ 81,846,222

- (9) Prerelease facility development: To plan a prerelease facility in western Washington

Appropriation:

St Bldg Constr Acct \$ 167,000

Prior Biennia (Expenditures) \$ 415,391

Future Biennia (Projected Costs) \$ 7,374,000

TOTAL \$ 7,956,391

- (10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct \$ 800,000

Appropriation:

St Bldg Constr Acct \$ 3,388,000

Prior Biennia (Expenditures) \$ 815,000

Future Biennia (Projected Costs) \$ 7,709,000

TOTAL \$ 12,712,000

- (11) Hazardous materials management (90-1-004)

Reappropriation:

St Bldg Constr Acct \$ 200,000

Prior Biennia (Expenditures) \$ 79,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 279,000

- (12) Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)

Reappropriation:

St Bldg Constr Acct \$ 600,000

Prior Biennia (Expenditures) \$ 1,052,000

	Future Biennia (Projected Costs)	\$	1,183,000
	TOTAL	\$	2,835,000
(13)	State-wide minor projects (90-1-009)		
	Reappropriation:		
	CEP & RI Acct	\$	900,000
	St Bldg Constr Acct	\$	1,300,000
	Subtotal Appropriation	\$	2,200,000
	Prior Biennia (Expenditures)	\$	3,149,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,349,000
(14)	State-wide small repairs and improvements (90-1-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	456,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	756,000
(15)	State-wide emergency repair projects (90-1-013)		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Appropriation:		
	CEP & RI Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	700,000
	Future Biennia (Projected Costs)	\$	750,000
	TOTAL	\$	2,250,000
(16)	New regional camps (three 400-bed camps) (90-2-001)		
	\$15,167,000 of the amount appropriated in this subsection is provided for implementation of the master plan at the Washington Corrections Center for Women in lieu of one of the three camps.		
	Reappropriation:		
	St Bldg Constr Acct	\$	45,500,000
	Prior Biennia (Expenditures)	\$	1,405,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	46,905,000
(17)	Washington State Penitentiary: For minimum security unit double bunking (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,050,000

Prior Biennia (Expenditures)	\$	160,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,210,000

(18) Forestry camp expansion (90-5-027)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	2,350,000
Drug Enf & Ed Acct	\$	5,900,000

Subtotal Reappropriation	\$	8,250,000
Appropriation:		
St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	3,266,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	14,516,000

(19) Twin Rivers Corrections Center: Double bunking (90-2-004)

Reappropriation:		
St Bldg Constr Acct	\$	2,500,000
Prior Biennia (Expenditures)	\$	481,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,981,000

(20) Washington State Penitentiary: Medium-security complex double bunking (90-2-005)

Reappropriation:		
St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	128,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,128,000

(21) Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)

Reappropriation:		
St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	1,138,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,738,000

(22) Cedar Creek Corrections Center: 100-bed expansion (90-2-007)

Reappropriation:

	St Bldg Constr Acct	\$	1,450,000
	Prior Biennia (Expenditures)	\$	187,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,637,000
(23)	New 1,024-bed institution (90-2-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	3,700,000
	Appropriation:		
	St Bldg Constr Acct	\$	93,036,000
	Prior Biennia (Expenditures)	\$	717,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	97,453,000
(24)	Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	113,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,213,000
(25)	State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,631,000
	Prior Biennia (Expenditures)	\$	1,350,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,131,000
(26)	Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	23,000,000
	Prior Biennia (Expenditures)	\$	2,301,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	25,301,000

(27) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)

Appropriation:	
St Bldg Constr Acct	\$ 300,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,000,000

TOTAL	\$ 1,300,000

(28) State-wide minor projects: For projects less than \$500,000 pertaining to life/safety, code compliance, property protection, or essential program support (92-1-012)

Appropriation:	
St Bldg Constr Acct	\$ 5,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 4,976,000

TOTAL	\$ 9,976,000

(29) State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)

Appropriation:	
St Bldg Constr Acct	\$ 497,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 497,000

(30) Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)

The appropriation in this subsection is subject to the following conditions and limitations: Pellet fuels shall be the primary fuel source.

Appropriation:	
St Bldg Constr Acct	\$ 2,164,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,164,000

(31) Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)

Appropriation:	
St Bldg Constr Acct	\$ 1,443,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,443,000

- (32) Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)

Appropriation:

St Bldg Constr Acct	\$	888,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	888,000

- (33) Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)

Appropriation:

St Bldg Constr Acct	\$	729,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	729,000

- (34) Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)

Appropriation:

St Bldg Constr Acct	\$	1,084,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,084,000

- (35) Pilot preventive maintenance program: For computer hardware and software for a computer-based preventive maintenance system (92-4-033)

The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.

Appropriation:

St Bldg Constr Acct	\$	325,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	325,000

- (36) Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)

Appropriation:

St Bldg Constr Acct	\$	1,426,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,426,000

"PART 3

NATURAL RESOURCES"

NEW SECTION. Sec. 16. FOR THE WASHINGTON STATE ENERGY OFFICE

(1) Energy partnership: Conservation capital projects for schools and state government facilities (92-1-001)		
Reappropriation:		
St Bldg Constr Acct	\$	1,729,400
Appropriation:		
Energy Eff Constr Acct	\$	5,000,000
Prior Biennia (Expenditures)	\$	217,000
Future Biennia (Projected Costs)	\$	6,946,400
TOTAL	\$	13,892,800

(2) Energy partnership services: For project start-up		
Appropriation:		
Energy Eff Svcs Acct	\$	1,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,100,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF ECOLOGY

(1) Referendum 26: Waste disposal facilities (74-5-004)		
Reappropriation:		
LIRA, Waste Disp Fac	\$	15,660,673
Prior Biennia (Expenditures)	\$	8,093,028
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	23,753,701
(2) Referendum 38: Water supply facilities (74-5-006)		
Reappropriation:		
LIRA, Water Sup Fac	\$	26,744,618
Prior Biennia (Expenditures)	\$	2,466,576
Future Biennia (Projected Costs)	\$	29,763,000
TOTAL	\$	58,974,194
(3) State emergency water project revolving account (76-5-003)		
Reappropriation:		
Emerg Water Proj Rev Acct	\$	7,599,337
Appropriation:		
Emerg Water Proj Rev Acct	\$	1,343,929
Prior Biennia (Expenditures)	\$	16,586,284

Future Biennia (Projected Costs)	\$	224,761
TOTAL	\$	25,754,311

(4) Referendum 39: Waste disposal facilities 1980 bond issue (82-5-005)

The appropriations in this subsection are subject to the following conditions and limitations: No expenditure shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac	\$	44,450,000
Appropriation		
LIRA, Waste Disp Fac	\$	17,148,000
Prior Biennia (Expenditures)	\$	401,402,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	463,000,000

(5) Water quality account (86-5-007)

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(ii) Give second priority to projects that reduce combined sewer overflows; and

(iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(b) The following limitations apply to the department's total distribution of funds appropriated under this subsection:

(i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers, with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) Not more than ten percent for activities that control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (b)(i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection (5)(d) represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The department shall also evaluate long-range financial options which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill No. 1025. If the bill is not enacted by June 30, 1991, the director of the department shall coordinate with the department of community development, the office of financial management, the department of health, and the Puget Sound water quality authority as well as other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital facilities and financing committee and the senate ways and means committee a detailed work plan, budget, and schedule for completion of the evaluation.

Reappropriation:

Water Quality Acct	\$	134,422,504
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Appropriation:

Water Quality Acct	\$	85,607,310
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Prior Biennia (Expenditures)	\$	53,036,533
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Future Biennia (Projected Costs)	\$	157,835,000
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TOTAL	\$	430,901,347
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(6) Methow Basin Water Conservation

This appropriation shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Appropriation:

St Bldg Constr Acct	\$	400,000
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LIRA, Water Sup Fac	\$	800,000
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Subtotal Appropriation	\$	1,200,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	1,200,000
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(7) Local toxics control account (88-5-008)

\$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate committees of the legislature regarding the state-wide need for programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

Reappropriation:		
Local Toxics Control	..... \$	27,653,297
Appropriation:		
Local Toxics Control	..... \$	59,183,607
Prior Biennia (Expenditures)	..... \$	18,467,142
Future Biennia (Projected Costs)	..... \$	106,984,641

TOTAL	..... \$	212,288,687

NEW SECTION. Sec. 18. FOR THE STATE PARKS AND RECREATION COMMISSION

(1)	Yakima sportsman: Yakima greenway acquisition (81-3-098)		
	Reappropriation:		
	ORA-State	..... \$	50,000
	Prior Biennia (Expenditures)	..... \$	25,279
	Future Biennia (Projected Costs)	..... \$	0

	TOTAL	..... \$	75,279
(2)	State-wide: Water supply facilities (86-1-002)		
	Reappropriation:		
	St Bldg Constr Acct	..... \$	30,000
	Prior Biennia (Expenditures)	..... \$	1,035,000
	Future Biennia (Projected Costs)	..... \$	0

	TOTAL	..... \$	1,065,000
(3)	State-wide: Sewage treatment facilities (86-1-003)		
	Reappropriation:		
	LIRA, Waste Fac 1980	..... \$	128,000
	ORA-Federal	..... \$	20,007
	ORA-State	..... \$	22,000

	Subtotal Reappropriation	..... \$	170,000
	Prior Biennia (Expenditures)	..... \$	148,538
	Future Biennia (Projected Costs)	..... \$	0

	TOTAL	..... \$	318,545

(4)	State-wide: Boating improvements (86-3-005)		
	Reappropriation:		
	ORA-Federal	\$	36,700
	ORA-State	\$	42,500
			<hr/>
	Subtotal Reappropriation	\$	79,200
	Prior Biennia (Expenditures)	\$	2,404
	Future Biennia (Projected Costs)	\$	0
			<hr/>
	TOTAL	\$	81,604
(5)	State-wide: Landscape repairs (86-1-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	10,000
	Prior Biennia (Expenditures)	\$	70,689
	Future Biennia (Projected Costs)	\$	0
			<hr/>
	TOTAL	\$	80,689
(6)	West Hylebos: Acquisition and development (86-4-013)		
	Reappropriation:		
	St Bldg Constr Acct	\$	190,000
	Prior Biennia (Expenditures)	\$	5,498
	Future Biennia (Projected Costs)	\$	0
			<hr/>
	TOTAL	\$	195,498
(7)	Moran: Mt. Lake civilian conservation corps buildings renovation (87-1-049) and renovation of mountain lake dam (89-1-110)		
	Reappropriation:		
	St Bldg Constr Acct	\$	140,000
	Prior Biennia (Expenditures)	\$	161,265
	Future Biennia (Projected Costs)	\$	0
			<hr/>
	TOTAL	\$	301,265
(8)	Flaming Geyser: Bridge relocation, phase 2 (87-2-029)		
	Reappropriation:		
	St Bldg Constr Acct	\$	279,000
	ORA-Federal	\$	170,000
	ORA-State	\$	158,000
			<hr/>
	Subtotal Reappropriation	\$	607,000
	Prior Biennia (Expenditures)	\$	656,000
	Future Biennia (Projected Costs)	\$	0
			<hr/>
	TOTAL	\$	1,263,000

(9) Auburn game farm: Development (87-3-012)		
Reappropriation:		
St Bldg Constr Acct	..... \$	235,000
Prior Biennia (Expenditures)	..... \$	271,085
Future Biennia (Projected Costs)	..... \$	0

TOTAL	..... \$	526,085
(10) Green river gorge: Phased acquisition (87-5-010)		
Reappropriation:		
St Bldg Constr Acct	..... \$	140,000
Prior Biennia (Expenditures)	..... \$	123,000
Future Biennia (Projected Costs)	..... \$	0

TOTAL	..... \$	263,000
(11) Potable water supply: To complete potable water supply projects, including state-wide projects (88-1-003)		
Reappropriation:		
St Bldg Constr Acct	..... \$	150,000
Improv-Water Supply	..... \$	100,000

Subtotal Reappropriation	..... \$	250,000
Prior Biennia (Expenditures)	..... \$	672,305
Future Biennia (Projected Costs)	..... \$	0

TOTAL	..... \$	922,305
(12) State-wide: Sewer facilities (88-1-007)		
Reappropriation:		
LIRA, Waste Fac 1980	..... \$	75,000
St Bldg Constr Acct	..... \$	25,000

Subtotal Reappropriation	..... \$	100,000
Prior Biennia (Expenditures)	..... \$	81,499
Future Biennia (Projected Costs)	..... \$	0

TOTAL	..... \$	181,499
(13) State-wide: Boat pumpout facilities (88-1-009)		
Reappropriation:		
St Bldg Constr Acct	..... \$	267,000
Prior Biennia (Expenditures)	..... \$	146,762
Future Biennia (Projected Costs)	..... \$	0

TOTAL	..... \$	413,762
(14) Ocean City: Municipal sewer connection (88-1-010)		

	Reappropriation:		
	LIRA, Waste Fac 1980	\$	150,000
	St Bldg Constr Acct	\$	80,000

	Subtotal Reappropriation	\$	230,000
	Prior Biennia (Expenditures)	\$	133,374
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	363,374
(15)	State-wide: Boat traffic control (88-1-013)		
	Reappropriation:		
	ORA-State	\$	20,000
	Prior Biennia (Expenditures)	\$	12,613
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	32,613
(16)	Saint Edward: Light entrance trail and comfort station (88-1-041)		
	Reappropriation:		
	St Bldg Constr Acct	\$	210,000
	Prior Biennia (Expenditures)	\$	12,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	222,000
(17)	State-wide: Boating facilities (88-2-011)		
	Reappropriation:		
	ORA-State	\$	20,000
	Prior Biennia (Expenditures)	\$	91,263
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	111,263
(18)	State-wide: Boating facilities (88-2-012)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	374,736
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	474,736
(19)	State-wide: Park facility renovation (88-2-025)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	LIRA, Public Rec Fac	\$	17,000

	Subtotal Reappropriation	\$	47,000

	Prior Biennia (Expenditures)	\$	209,146
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	256,146
(20)	Camp Wooten: Comfort station (88-2-041)		
	Reappropriation:		
	St Bldg Constr Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	107,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	157,000
(21)	Camano Island: Point Lowell road relocation (88-3-043)		
	Reappropriation:		
	Motor Vehicle Acct	\$	580,000
	Prior Biennia (Expenditures)	\$	141,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	721,000
(22)	Maryhill: Development (88-5-035)		
	Not more than \$75,000 of the appropriation in this subsection may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.		
	Reappropriation:		
	St Bldg Constr Acct	\$	930,000
	Prior Biennia (Expenditures)	\$	146,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,076,000
(23)	Ocean beaches: Acquisition of ocean beaches (88-5-036)		
	Reappropriation:		
	St Bldg Constr Acct	\$	430,000
	Prior Biennia (Expenditures)	\$	24,503
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	454,503
(24)	Crystal Falls: Acquisition and development (88-5-057)		
	Reappropriation:		
	St Bldg Constr Acct	\$	25,000
	Prior Biennia (Expenditures)	\$	3,799
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	28,799
(25) Blake Island: Fire protection system (89-1-050)			
	Reappropriation:		
	St Bldg Constr Acct	\$	108,000
	Prior Biennia (Expenditures)	\$	10,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	118,000
(26) State-wide: Water supply and irrigation (89-1-101)			
	Reappropriation:		
	St Bldg Constr Acct	\$	190,000
	Prior Biennia (Expenditures)	\$	85,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	275,000
(27) State-wide: Sanitary facilities (89-1-102)			
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	2,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	152,000
(28) Electrical code compliance: To complete electrical code compliance projects (89-1-103)			
	Reappropriation:		
	St Bldg Constr Acct	\$	140,000
	ORA-State	\$	45,000
	Subtotal Reappropriation	\$	185,000
	Prior Biennia (Expenditures)	\$	109,700
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	394,700
(29) Moran: Renovate mountain lake dam (89-1-110)			
	Reappropriation:	\$	40,000
	Prior Biennia (Expenditures)	\$	104,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	144,000
(30) State-wide: Compliance with safe drinking water act (89-1-116)			
	Reappropriation:		
	St Bldg Constr Acct	\$	280,000

	Prior Biennia (Expenditures)	\$	161,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	441,000
(31)	Camp Wooten: Sewage system renovation, phase 2 (89-1-122)		
	Reappropriation:		
	St Bldg Constr Acct	\$	40,000
	Prior Biennia (Expenditures)	\$	98,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	138,000
(32)	Sacajawea: Modify river floats (89-1-129)		
	Reappropriation:		
	ORA-State	\$	190,000
	Prior Biennia (Expenditures)	\$	2,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	192,000
(33)	State-wide: Boating and marine construction (89-2-106)		
	Reappropriation:		
	St Bldg Constr Acct	\$	135,000
	ORA-State	\$	545,000

	Subtotal Reappropriation	\$	680,000
	Prior Biennia (Expenditures)	\$	173,300
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	853,300
(34)	State-wide: General construction (89-2-107)		
	Reappropriation:		
	St Bldg Constr Acct	\$	410,000
	Prior Biennia (Expenditures)	\$	150,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	560,000
(35)	State-wide: General construction (89-2-109)		
	Reappropriation:		
	St Bldg Constr Acct	\$	185,000
	Prior Biennia (Expenditures)	\$	34,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	219,000

(36) Westhaven: Comfort station replacement (89-2-119)		
Reappropriation:		
St Bldg Constr Acct	\$	400,000
Prior Biennia (Expenditures)	\$	23,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	423,000
(37) Lake Sammamish: Boat launch repairs (89-2-139)		
Reappropriation:		
ORA-State	\$	100,000
Prior Biennia (Expenditures)	\$	14,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	114,000
(38) State-wide: Site and environmental protection (89-3-104)		
Reappropriation:		
St Bldg Constr Acct	\$	280,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	300,000
(39) State-wide: Acquisition (89-3-105)		
Reappropriation:		
St Bldg Constr Acct	\$	65,000
Prior Biennia (Expenditures)	\$	50,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	115,000
(40) State-wide: Weatherproofing (89-3-108)		
Reappropriation:		
St Bldg Constr Acct	\$	83,000
Prior Biennia (Expenditures)	\$	84,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	167,000
(41) Fort Worden: Rebuild boat launch breakwater (89-3-135)		
Reappropriation:		
ORA-State	\$	300,000
Prior Biennia (Expenditures)	\$	15,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	315,000

(42) Larrabee: Development (89-5-002)		
Reappropriation:		
St Bldg Constr Acct	\$	315,000
ORA-Federal	\$	140,540

Subtotal Reappropriation	\$	455,540
Prior Biennia (Expenditures)	\$	25,350
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	480,890
(43) Spokane Centennial Trail: Acquisition and initial development (89-5-112)		
Reappropriation:		
General Fund-Federal	\$	3,500,000
St Bldg Constr Acct	\$	107,000
ORA-Federal	\$	119,000

Subtotal Reappropriation	\$	3,926,000
Prior Biennia (Expenditures)	\$	3,883,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	7,809,000
(44) Fort Casey: Acquire Keystone Spit, phase 2 (89-5-113)		
Reappropriation:		
ORA-Federal	\$	103,000
Prior Biennia (Expenditures)	\$	302,693
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	405,693
(45) Belfair: Acquisition, phase 2 (89-5-114)		
Reappropriation:		
ORA-Federal	\$	27,000
Prior Biennia (Expenditures)	\$	221,805
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	248,805
(46) Fort Canby: Initial development, Beard's Hollow (89-5-115)		
Reappropriation:		
St Bldg Constr Acct	\$	270,000
Prior Biennia (Expenditures)	\$	19,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	289,000
(47) Ocean beaches access: Comfort station and parking areas (89-5-120)		

Reappropriation:	
St Bldg Constr Acct	\$ 298,000
ORA-Federal	\$ 316,000

Subtotal Reappropriation	\$ 614,000
Prior Biennia (Expenditures)	\$ 42,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 656,000

(48) Spokane Centennial Trail: Initial development, the islands (89-5-166)

Reappropriation:	
St Bldg Constr Acct	\$ 233,000
Prior Biennia (Expenditures)	\$ 17,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 250,000

(49) Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)

The appropriation in this subsection is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

Reappropriation:	
St Bldg Constr Acct	\$ 765,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 765,000

(50) Snohomish county: Snohomish Centennial Trail (89-5-170)

Reappropriation:	
St Bldg Constr Acct	\$ 852,000
Prior Biennia (Expenditures)	\$ 248,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,100,000

(51) Dougs Beach: Initial development, windsurfing access (90-1-171)

Reappropriation:	
St Bldg Constr Acct	\$ 120,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 120,000

(52) State-wide: Omnibus facility contingency (90-2-002)

Appropriation:

	St Bldg Constr Acct	\$	239,400
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,232,000
	TOTAL	\$	1,471,400
(53) State-wide:	Underground storage tank, environmental compliance, phase 1		
(90-2-003)	Appropriation:		
	St Bldg Constr Acct	\$	1,900,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	6,000,000
	TOTAL	\$	7,900,000
(54) State-wide:	Emergency and unforeseen needs (91-1-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	700,000
	TOTAL	\$	1,050,000
(55) Iron Horse:	John Wayne Trail, tunnel (91-1-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	185,000
	Prior Biennia (Expenditures)	\$	11,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	196,000
(56) Colville Tribes	Interpretive Center (90-5-172)		
	Reappropriation:		
	State General Fund	\$	25,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	25,000
(57) Iron Horse:	Acquisition and trail safety (91-1-006)		
	Reappropriation:		
	Trust Land Purchase Acct	\$	18,000
	Prior Biennia (Expenditures)	\$	182,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	200,000

(58) State-wide: Omnibus minor projects, utilities (91-2-004)	
Appropriation:	
St Bldg Constr Acct	\$ 1,818,300
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,356,000
TOTAL	\$ 3,174,300
(59) State-wide: Omnibus minor projects, general construction (91-2-005)	
Appropriation:	
St Bldg Constr Acct	\$ 1,918,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 5,342,000
TOTAL	\$ 7,260,000
(60) Deception Pass: Renovate park sewer system, phase 1 construction (91-2-006)	
Appropriation:	
St Bldg Constr Acct	\$ 968,500
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 968,500
(61) Triton Cove: Renovation (91-2-008)	
Appropriation:	
ORA-State	\$ 582,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 582,000
(62) State-wide: Omnibus minor works, boating and marine construction (91-2-009)	
Appropriation:	
ORA-State	\$ 379,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 2,000,000
TOTAL	\$ 2,379,000
(63) Yakima: Acquisition, phased project (91-5-028)	
Appropriation:	
ORA-Federal	\$ 152,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 152,000

(64) Haley property: Initial development (91-5-030)		
Appropriation:		
ORA-Federal	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000
(65) Rasar: Initial development (91-5-032)		
Appropriation:		
ORA-Federal	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000
(66) Colbert House: Acquisition of two lots, renovation and preservation (91-5-052)		
Appropriation:		
ORA-Federal	\$	57,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	57,000
(67) Lake Isabella: Acquisition, phase 2 (91-5-065)		
Appropriation:		
ORA-Federal	\$	335,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	335,000
(68) Ocean beaches: Ocean beach access development (91-5-069)		
Appropriation:		
ORA-Federal	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	100,000
(69) Ocean beaches: Ocean beach access development (91-5-076)		
Appropriation:		
ORA-Federal	\$	281,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	281,000

(70) Steamboat Rock: Random camp area, Jones Bay (95-2-182)

Reappropriation:

St Bldg Constr Acct	\$	143,000
Prior Biennia (Expenditures)	\$	8,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	151,000

(71) Mountains to Sound: For acquisition of forest land on Rattlesnake Ridge across from Mount Si that when connected with other publicly owned land will help to obtain a continuous green belt and recreation area from Snoqualmie Pass to Puget Sound

The appropriation in this subsection shall be matched by \$3,500,000 from other sources provided for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

(72) St. Edward: New gutters and drops

Appropriation:

St Bldg Constr Acct	\$	26,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	26,000

(73) St. Edward: Gym renovation and parking expansion

Appropriation:

St Bldg Constr Acct	\$	665,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	665,000

(74) Omnibus facility contingency: For storm damage repair caused by November and December, 1990 storms, and January, 1991 storms (90-1-001)

Appropriation:

St Bldg Constr Acct	\$	360,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	700,000
TOTAL	\$	1,060,000

(75) Washington State International Equestrian Center at Lewis and Clark state park

Appropriation:		
St Bldg Constr Acct	\$	200,000

Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	200,000
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NEW SECTION. Sec. 19. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

(1) Grants to public agencies (90-2-001)

Reappropriation:

St Bldg Constr Acct	\$	498,000
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ORA-Federal	\$	637,000
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ORA-State	\$	1,911,000
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Firearms Range Acct	\$	405,000
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Subtotal Reappropriation	\$	3,451,000
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Prior Biennia (Expenditures)	\$	6,254,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	9,705,000
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(2) Wildlife conservation and recreation (90-5-002)

Reappropriation:

ORA-State	\$	22,000,000
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Habitat Conservation Acct	\$	21,830,000
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Subtotal Reappropriation	\$	43,830,000
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Prior Biennia (Expenditures)	\$	9,170,000
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	53,000,000
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(3) Grants to public agencies (92-2-001)

The appropriations in this subsection are subject to the following conditions and limitations: \$150,000 of the outdoor recreation account-state appropriation may be used to update the off-road vehicle guide.

Appropriation:

General Fund-State	\$	660,000
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ORA-Federal	\$	2,000,000
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ORA-State	\$	7,750,000
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Firearms Range Acct	\$	222,000
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Subtotal Appropriation	\$	10,632,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	21,764,000
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TOTAL	\$	32,396,000
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(4) Washington wildlife recreation program: Grants to state agencies

The appropriations in this subsection are subject to the following conditions and limitations:

(a) When purchasing critical habitat lands east of the cascade crest, the Washington department of wildlife may only purchase noncontiguous parcels of fewer than one hundred acres, with the exception that the department may purchase larger parcels in the Methow Valley for protection of the state's largest migratory mule deer route.

(b) \$138,000 of the outdoor recreation account may be used for additional program staff for administration.

Appropriation:

ORA-State	\$	12,500,000
Habitat Conservation Acct	\$	19,722,000

Subtotal Appropriation	\$	32,222,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	64,444,000
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TOTAL	\$	96,666,000
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(5) Washington wildlife recreation program: Grants to local governments

Appropriation:

ORA-State	\$	12,500,000
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Habitat Conservation Acct	\$	5,278,000
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Subtotal Appropriation	\$	17,778,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	35,556,000
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TOTAL	\$	53,334,000
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(6) Clear Creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

Appropriation:

St Bldg Constr Acct	\$	1,750,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	1,750,000
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(7) For Seattle-King county playing fields

The appropriation in this subsection is contingent upon matching funds from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	250,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	250,000

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

(1) Community economic revitalization board (86-1-001)

\$2,000,000 of the state building and construction account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-dependent under Engrossed Substitute Senate Bill No. 5555. In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Appropriation:

Pub Fac Constr Loan Rev Acct	\$	2,000,000
St Bldg Constr Acct	\$	4,000,000

Subtotal Appropriation	\$	6,000,000
Prior Biennia (Expenditures)	\$	7,429,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	13,429,000

(2) Mt. St. Helens road and visitor center (90-5-002)

The appropriation in this subsection shall not exceed twenty-five percent of the total project cost and is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

Reappropriation:

St Bldg Constr Acct	\$	3,700,000
Prior Biennia (Expenditures)	\$	1,900,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,600,000

(3) Agricultural complex: Yakima (89-2-005)

The appropriation in this subsection is contingent on a contribution of an equal amount of funds from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	843,000
Prior Biennia (Expenditures)	\$	3,157,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,000,000

(4) Washington Technology Center (88-1-003)

The appropriation in this subsection is provided solely for transfer to and administration by the University of Washington.

Reappropriation:	
St Bldg Constr Acct	\$ 2,950,000
Prior Biennia (Expenditures)	\$ 12,852,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 15,802,000

(5) Port infrastructure development projects

The appropriation in this subsection is provided solely for the port of Grays Harbor for paving an existing cargo storage yard and construction of a cargo storage facility. This appropriation is subject to a favorable review by the department of a proposal prepared by the port of Grays Harbor describing how this project will: (a) Have a high probability of success using standard economic principles; (b) provide long-term economic benefits to the community; (c) include local participation; and (d) be consistent with the community's economic strategy and goals.

Appropriation:	
St Bldg Constr Acct	\$ 4,600,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 4,600,000

NEW SECTION. Sec. 21. FOR THE STATE CONSERVATION COMMISSION

(1) Water quality account (90-2-001)

Reappropriation:	
Water Quality Acct	\$ 430,000
Appropriation:	
Water Quality Acct	\$ 2,140,000
Prior Biennia (Expenditures)	\$ 1,994,000
Future Biennia (Projected Costs)	\$ 3,946,000

TOTAL	\$ 8,510,000

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF FISHERIES

(1) Habitat: Salmon enhancement program (77-5-005)

Reappropriation:	
St Bldg Constr Acct	\$ 15,000
Appropriation:	
St Bldg Constr Acct	\$ 1,235,000
Prior Biennia (Expenditures)	\$ 906,000
Future Biennia (Projected Costs)	\$ 2,400,000

TOTAL	\$ 4,556,000

(2) Hood Canal Bridge: Public fishing access (79-2-011)

Reappropriation:	
St Bldg Constr Acct	\$ 30,000

Prior Biennia (Expenditures)	\$	22,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	52,000

(3) Safety, health, and code compliance (86-1-020)

\$1,239,000 of the appropriation in this subsection is provided solely for pollution abatement programs at state salmon hatcheries necessary to meet requirements of state and federal clean water legislation.

Reappropriation:		
St Bldg Constr Acct	\$	300,000
Appropriation:		
St Bldg Constr Acct	\$	1,589,000
Prior Biennia (Expenditures)	\$	559,000
Future Biennia (Projected Costs)	\$	1,800,000

TOTAL	\$	4,248,000

(4) Towhead Island public access renovation (86-3-028)

Reappropriation:		
ORA-Federal	\$	20,000
ORA-State	\$	170,000

Subtotal Reappropriation	\$	190,000
Prior Biennia (Expenditures)	\$	21,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	211,000

(5) Knappton boat launch (86-3-038)

Reappropriation:		
ORA-Federal	\$	43,000
Prior Biennia (Expenditures)	\$	11,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	54,000

(6) McAllister: Improvements (88-2-003)

Reappropriation:		
St Bldg Constr Acct	\$	50,000
Prior Biennia (Expenditures)	\$	126,999
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	176,999

(7) Clam and oyster beach (88-5-002)

Reappropriation:

	St Bldg Constr Acct	\$	1,000,000
	Prior Biennia (Expenditures)	\$	1,123,156
	Future Biennia (Projected Costs)	\$	1,200,000
	TOTAL	\$	3,323,156
(8)	Fish protection facilities (88-5-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	Appropriation:		
	St Bldg Constr Acct	\$	445,000
	Prior Biennia (Expenditures)	\$	221,100
	Future Biennia (Projected Costs)	\$	600,000
	TOTAL	\$	1,296,100
(9)	Coast and Puget Sound salmon enhancement (88-5-016)		
	Reappropriation:		
	Salmon Enhancement Acct	\$	608,320
	St Bldg Constr Acct	\$	2,500,000
	Subtotal Reappropriation	\$	3,108,320
	Prior Biennia (Expenditures)	\$	1,353,517
	Future Biennia (Projected Costs)	\$	3,750,000
	TOTAL	\$	8,211,837
(10)	Shorefishing access (88-5-018)		
	Reappropriation:		
	St Bldg Constr Acct	\$	550,000
	Prior Biennia (Expenditures)	\$	521,946
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,071,946
(11)	South Sound net pen support (90-2-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	175,000
	Prior Biennia (Expenditures)	\$	168,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	343,000
(12)	Humptulips: Upgrade intake dam (90-2-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	Prior Biennia (Expenditures)	\$	183,100

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	213,100
 (13) Salmon culture: Minor works projects (90-2-011)		
Reappropriation:		
St Bldg Constr Acct	\$	75,000
Appropriation:		
St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	580,000
Future Biennia (Projected Costs)	\$	1,100,000
TOTAL	\$	2,255,000
 (14) Habitat management shop building (90-2-012)		
Reappropriation:		
St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	235,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	435,000
 (15) Field services: Minor works (90-2-015)		
Reappropriation:		
St Bldg Constr Acct	\$	65,000
Appropriation:		
St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	170,000
Future Biennia (Projected Costs)	\$	350,000
TOTAL	\$	785,000
 (16) Salmon culture: Minor capital projects (90-2-017)		
Reappropriation:		
St Bldg Constr Acct	\$	200,000
Appropriation:		
St Bldg Constr Acct	\$	767,300
Prior Biennia (Expenditures)	\$	468,700
Future Biennia (Projected Costs)	\$	1,500,000
TOTAL	\$	2,936,000
 (17) George Adams: Water supply (90-2-019)		
Reappropriation:		
St Bldg Constr Acct	\$	175,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	175,000
(18)	Ilwaco boat access expansion (90-2-023)		
	Reappropriation:		
	ORA-State	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(19)	Bonneville pool boat access (90-2-028)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	100,000
(20)	Hood Canal boat access development (86-3-035)		
	The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1992, the appropriation in this section shall lapse.		
	Reappropriation:		
	ORA-Federal	\$	30,000
	ORA-State	\$	270,000
	Subtotal Reappropriation	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(21)	Property acquisition (90-3-009)		
	Reappropriation:		
	St Bldg Constr Acct	\$	80,000
	Prior Biennia (Expenditures)	\$	250,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	330,000
(22)	Shellfish surveys and Point Whitney repairs (90-3-013)		
	Appropriation:		
	St Bldg Constr Acct	\$	100,000
	Prior Biennia (Expenditures)	\$	175,000
	Future Biennia (Projected Costs)	\$	250,000
	TOTAL	\$	525,000

(23) Strait of Juan de Fuca: Shoreline acquisition (90-5-025)		
Reappropriation:		
ORA-State	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	350,000
(24) Kingston boat launch (90-5-027)		
Reappropriation:		
ORA-State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	100,000
(25) Fuel tanks: Code compliance program (92-1-002)		
Appropriation:		
St Bldg Constr Acct	\$	225,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	600,000
TOTAL	\$	825,000
(26) Repair and replace fishing reef buoys (92-1-003)		
Appropriation:		
St Bldg Constr Acct	\$	75,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	100,000
TOTAL	\$	175,000
(27) Develop pathogen-free water and isolation incubation systems (92-2-005)		
Appropriation:		
St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000
(28) Minter Creek hatchery: Reconstruction, phase 1 (92-2-016)		
Appropriation:		
St Bldg Constr Acct	\$	3,300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	800,000
TOTAL	\$	4,100,000

(29)	Construct and remodel coastal field station (92-3-009)		
	Appropriation:		
	St Bldg Constr Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	750,000
(30)	Water access and development (92-3-030)		
	Appropriation:		
	ORA-State	\$	1,250,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,250,000
(31)	Reconstruction of the Toutle river hatchery		
	Appropriation:		
	St Bldg Constr Acct	\$	5,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,000,000
	NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF WILDLIFE		
(1)	Satsop river acquisition and development (86-2-029)		
	Reappropriation:		
	ORA-State	\$	55,254
	Prior Biennia (Expenditures)	\$	17,796
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	73,050
(2)	Mineral Lake: Site improvements (86-3-028)		
	Reappropriation:		
	ORA-State	\$	4,397
	Prior Biennia (Expenditures)	\$	35,949
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	40,346
(3)	Aberdeen fish hatchery expansion (89-5-017)		
	Reappropriation:		
	Game Spec Wildlife Acct	\$	8,699
	Prior Biennia (Expenditures)	\$	731,301
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	740,000

(4)	Health, safety, and code compliance (90-1-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	262,484
	Prior Biennia (Expenditures)	\$	337,516
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	600,000
(5)	Minor repairs: To complete minor works and emergency repairs, including public fishing access minor works repair (90-1-014) and emergency repair and replacement (90-2-002)		
	Reappropriation:		
	Wildlife Account-Federal	\$	40,000
	Wildlife Account-State	\$	32,000
	Subtotal Reappropriation	\$	72,000
	Prior Biennia (Expenditures)	\$	1,103,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,174,990
(6)	Hatchery renovation and improvement (90-2-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	335,000
	Wildlife Account-Federal	\$	200,000
	Wildlife Account-State	\$	150,000
	Subtotal Reappropriation	\$	685,000
	Prior Biennia (Expenditures)	\$	2,565,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,250,000
(7)	Redevelopment of public fishing access sites (90-2-007)		
	Reappropriation:		
	ORA-State	\$	800,000
	Prior Biennia (Expenditures)	\$	326,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,126,000
(8)	Develop public fishing access sites (90-2-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	288,000
	Game Spec Wildlife Acct	\$	136,000
	Subtotal Reappropriation	\$	424,000
	Prior Biennia (Expenditures)	\$	6,000

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	430,000
(9)	Wildlife area repair and development (90-2-016)		
	Reappropriation:		
	Wildlife Account-Federal	\$	45,000
	Wildlife Account-State	\$	65,000
	Subtotal Reappropriation	\$	110,000
	Prior Biennia (Expenditures)	\$	200,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	310,000
(10)	Office repairs and improvements (90-2-020)		
	The reappropriation in this subsection is subject to the following conditions and limitations: There shall be no expenditure of funds related to the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.		
	Reappropriation:		
	Wildlife Account-State	\$	511,000
	Prior Biennia (Expenditures)	\$	69,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	580,000
(11)	Regional offices facility relocation (90-2-021)		
	Reappropriation:		
	Wildlife Account-State	\$	1,394,000
	Prior Biennia (Expenditures)	\$	216,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,610,000
(12)	State-wide fencing repair and replacement (90-3-015)		
	Reappropriation:		
	Wildlife Account-State	\$	141,000
	Prior Biennia (Expenditures)	\$	627,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	768,000
(13)	Migratory waterfowl habitat acquisition (90-5-005)		
	Reappropriation:		
	Wildlife Account-State	\$	200,000
	Prior Biennia (Expenditures)	\$	150,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	350,000
(14)	Acquisition of critical water access (90-5-009)		
	Reappropriation:		
	ORA-State	\$	17,619
	Wildlife Account-Federal	\$	100,000
	Subtotal Reappropriation	\$	117,619
	Prior Biennia (Expenditures)	\$	2,631
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	120,250
(15)	Puyallup tribal settlement (90-5-100)		
	Reappropriation:		
	St Bldg Constr Acct	\$	794,500
	Prior Biennia (Expenditures)	\$	5,500
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	800,000
(16)	Health, safety, and code compliance (92-1-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,200,000
	TOTAL	\$	1,700,000
(17)	Public fishing access minor works repair (92-1-004)		
	Appropriation:		
	Wildlife Account-Federal	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	650,000
	TOTAL	\$	950,000
(18)	Public access toilet replacement (92-1-005)		
	Appropriation:		
	Wildlife Account-Federal	\$	200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	600,000
	TOTAL	\$	800,000
(19)	Emergency repair and replacement (92-2-002)		

Appropriation:	
St Bldg Constr Acct	\$ 345,000
Subtotal Appropriation	\$ 345,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 690,000
TOTAL	\$ 1,035,000

(20) Facility small repair and improvement (92-2-003)

Appropriation:	
St Bldg Constr Acct	\$ 499,500
Subtotal Appropriation	\$ 499,500
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 836,000
TOTAL	\$ 1,335,500

(21) Wildlife area repair and development (92-2-007)

Appropriation:	
St Bldg Constr Acct	\$ 200,000
Wildlife Account-Federal	\$ 50,000
Subtotal Appropriation	\$ 250,000
Prior Biennia (Expenditures)	\$ 250,000
Future Biennia (Projected Costs)	\$ 500,000
TOTAL	\$ 1,000,000

(22) Hatchery renovation and improvement (92-2-009)

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of this appropriation shall be spent solely for pollution abatement programs at state game fish hatcheries necessary to meet requirements of state and federal clean water legislation.

Appropriation:	
St Bldg Constr Acct	\$ 2,000,000
Wildlife Account-Federal	\$ 1,000,000
Subtotal Appropriation	\$ 3,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 6,000,000
TOTAL	\$ 9,000,000

(23) Mitigation and dedicated funding projects (92-2-011)

Appropriation:	
Wildlife Account-Federal	\$ 3,100,000

Wildlife Account-Private/Local	\$	4,850,000
Game Spec Wildlife Acct	\$	50,000

Subtotal Appropriation	\$	8,000,000
Prior Biennia (Expenditures)	\$	769,000
Future Biennia (Projected Costs)	\$	16,000,000

TOTAL	\$	24,769,000
 (24) Wildlife area repair and development (92-2-023)		
Appropriation:		
St Bldg Constr Acct	\$	107,500

Subtotal Appropriation	\$	107,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	215,000

TOTAL	\$	322,500
 (25) Hatchery renovation and improvement (92-2-025)		
Appropriation:		
St Bldg Constr Acct	\$	304,000

Subtotal Appropriation	\$	304,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,740,000

TOTAL	\$	6,044,000
 (26) Acquisition, development, and redevelopment (92-2-015)		
Appropriation:		
ORA-State	\$	694,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,750,000

TOTAL	\$	2,444,000
 (27) State-wide fencing repair and replacement (92-3-006)		
Appropriation:		
St Bldg Constr Acct	\$	75,000
Wildlife Account-State	\$	425,000

Subtotal Appropriation	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,000,000

TOTAL	\$	1,500,000

(28) Skagit wildlife area dike repair (92-3-008)

Appropriation:	
St Bldg Constr Acct	\$ 171,250

Subtotal Appropriation	\$ 171,250
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 171,250

(29) Migratory waterfowl habitat acquisition (92-5-012)

Appropriation:	
Wildlife Account-State	\$ 350,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 700,000

TOTAL	\$ 1,050,000

(30) Migratory waterfowl habitat development (92-5-013)

Appropriation:	
Wildlife Account-State	\$ 350,000
Prior Biennia (Expenditures)	\$ 450,000
Future Biennia (Projected Costs)	\$ 700,000

TOTAL	\$ 1,500,000

(31) Acquisition of wildlife habitat surplus property (92-5-014)

\$750,000 of the appropriation in this subsection may not be expended without first selling state-owned land of equal or greater value.

Appropriation:	
Wildlife Account-State	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 600,000
Future Biennia (Projected Costs)	\$ 2,000,000

TOTAL	\$ 3,600,000

(32) Acquisition and development of recreation sites at Luhrs Landing nature trail (92-5-016)

Appropriation:	
St Bldg Constr Acct	\$ 450,000
Prior Biennia (Expenditures)	\$ 294,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 744,000

(33) Habitat enhancement fund (92-5-022)

Appropriation:	
Wildlife Account-Private/Local	\$ 500,000
Prior Biennia (Expenditures)	0
Future Biennia (Projected Costs)	1,000,000

TOTAL	\$ 1,500,000

(34) Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this subsection is contingent on an in-kind contribution of dollars or services from nonstate sources of at least \$200,000.

Appropriation:	
St Bldg Const Acct	\$ 4,684,166
Prior Biennia (Expenditures)	0
Future Biennia (Projected Costs)	0

TOTAL	\$ 4,684,166

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Aquatic land enhancement (86-3-020)

Reappropriation:	
Aquatic Lands Acct	\$ 3,924,000
Prior Biennia (Expenditures)	301,000
Future Biennia (Projected Costs)	0

TOTAL	\$ 4,225,000

(2) Natural area preserves--Property purchases (88-02-061)

This appropriation is provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this subsection.

Reappropriation:	
Conservation Area Acct	\$ 280,000
Prior Biennia (Expenditures)	5,191,000
Future Biennia (Projected Costs)	0

TOTAL	\$ 5,471,000

(3) Woodard Bay natural resource conservation area fencing development (90-3-103)

Reappropriation:	
St Bldg Constr Acct	\$ 170,000
Prior Biennia (Expenditures)	100,000
Future Biennia (Projected Costs)	0

	TOTAL	\$	270,000
(4)	Dishman Hills protection development (90-3-104)		
	Reappropriation:		
	St Bldg Constr Acct	\$	70,000
	Prior Biennia (Expenditures)	\$	50,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	120,000
(5)	Natural area preserves management (90-3-105)		
	Reappropriation:		
	St Bldg Constr Acct	\$	55,000
	Prior Biennia (Expenditures)	\$	95,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	150,000
(6)	Construct and improve recreation sites (90-5-201)		
	Reappropriation:		
	St Bldg Constr Acct	\$	170,000
	Prior Biennia (Expenditures)	\$	320,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	490,000
(7)	Seattle waterfront, phase 1 development (90-5-202)		
	Reappropriation:		
	ORA-State	\$	749,000
	Prior Biennia (Expenditures)	\$	1,000
	Future Biennia (Projected Costs)	\$	750,000
	TOTAL	\$	1,500,000
(8)	Woodard Bay health and safety development (90-5-203)		
	Reappropriation:		
	St Bldg Constr Acct	\$	70,000
	Prior Biennia (Expenditures)	\$	200,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	270,000
(9)	Long Lake, phase 2 development (90-5-204)		
	Reappropriation:		
	ORV Acct	\$	140,000
	ORA-State	\$	140,000

	Subtotal Reappropriation	\$	280,000
	Prior Biennia (Expenditures)	\$	185,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	465,000
(10)	Underground storage tanks (92-1-103)		
	Appropriation:		
	Forest Development Acct	\$	147,000
	Res Mgmt Cost Acct	\$	472,000
	St Bldg Constr Acct	\$	181,000
	Subtotal Appropriation	\$	800,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,960,000
	TOTAL	\$	2,760,000
(11)	State-wide emergency repairs (92-1-104)		
	Appropriation:		
	Forest Development Acct	\$	14,300
	Res Mgmt Cost Acct	\$	53,700
	St Bldg Constr Acct	\$	32,000
	Subtotal Appropriation	\$	100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	200,000
	TOTAL	\$	300,000
(12)	Environmental protection (92-1-105)		
	Appropriation:		
	Forest Development Acct	\$	113,200
	Res Mgmt Cost Acct	\$	232,800
	St Bldg Constr Acct	\$	154,000
	Subtotal Appropriation	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	607,700
	TOTAL	\$	1,107,700
(13)	Northwest region office expansion: Design and construction (92-1-102)		
	Appropriation:		
	Forest Development Acct	\$	286,200
	Res Mgmt Cost Acct	\$	297,800
	St Bldg Constr Acct	\$	216,000
	Subtotal Appropriation	\$	800,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	800,000

(14) Southwest region office space expansion: Design and construction (92-1-106)

Appropriation:		
Forest Development Acct	\$	193,100
Res Mgmt Cost Acct	\$	302,000
St Bldg Constr Acct	\$	255,000
Subtotal Appropriation	\$	750,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	750,100

(15) Minor works: Building and compound (92-1-107)

Appropriation:		
Forest Development Acct	\$	111,700
Res Mgmt Cost Acct	\$	215,200
St Bldg Constr Acct	\$	158,500
Subtotal Appropriation	\$	485,400
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,333,400
TOTAL	\$	2,818,800

(16) Facilities: Small repairs and improvements (92-1-108)

Appropriation:		
Forest Development Acct	\$	21,800
Res Mgmt Cost Acct	\$	53,300
St Bldg Constr Acct	\$	25,000
Subtotal Appropriation	\$	100,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	194,000
TOTAL	\$	294,100

(17) Emergency repairs recreation sites (92-1-206)

Appropriation:		
St Bldg Constr Acct	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	200,000
TOTAL	\$	300,000

(18) Environmental clean-up: Trust and forest board lands (92-1-404)		
Appropriation:		
Forest Development Acct	\$	150,000
Res Mgmt Cost Acct	\$	350,000
		<hr/>
Subtotal Appropriation	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,000,000
		<hr/>
TOTAL	\$	1,500,000
(19) Right of way acquisitions (92-2-401)		
Appropriation:		
Forest Development Acct	\$	200,000
Res Mgmt Cost Acct	\$	590,000
		<hr/>
Subtotal Appropriation	\$	790,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,035,000
		<hr/>
TOTAL	\$	1,825,000
(20) Regional seedling cold storage (92-2-406)		
Appropriation:		
Forest Development Acct	\$	165,000
Res Mgmt Cost Acct	\$	202,000
		<hr/>
Subtotal Appropriation	\$	367,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	367,000
		<hr/>
TOTAL	\$	734,000
(21) Real estate property, small repairs and improvements (92-2-407)		
Appropriation:		
Res Mgmt Cost Acct	\$	390,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	780,000
		<hr/>
TOTAL	\$	1,170,000
(22) Communication site repair and replacement (92-2-408)		
Appropriation:		
Forest Development Acct	\$	66,000
Res Mgmt Cost Acct	\$	264,000
		<hr/>
Subtotal Appropriation	\$	330,000
Prior Biennia (Expenditures)	\$	150,000

Future Biennia (Projected Costs)	\$	600,000
TOTAL	\$	1,080,000
(23) Irrigation pipeline replacement (92-2-409)		
Appropriation:		
Res Mgmt Cost Acct	\$	595,000
Prior Biennia (Expenditures)	\$	532,000
Future Biennia (Projected Costs)	\$	600,000
TOTAL	\$	1,727,000
(24) Roads and bridges (92-2-801)		
Appropriation:		
ORV Acct	\$	74,000
Forest Development Acct	\$	90,000
Res Mgmt Cost Acct	\$	200,000
Subtotal Appropriation	\$	364,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	4,236,000
TOTAL	\$	4,600,000
(25) Natural area preserves protection (92-3-202)		
Appropriation:		
St Bldg Constr Acct	\$	119,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	300,000
TOTAL	\$	419,000
(26) Commercial development, local improvement district (92-3-402)		
Appropriation:		
Res Mgmt Cost Acct	\$	910,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,820,000
TOTAL	\$	2,730,000
(27) Emergency repairs: Irrigation (92-3-405)		
Appropriation:		
Res Mgmt Cost Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	400,000
TOTAL	\$	600,000

(28) Aquatic land enhancement grants (92-3-501)		
Appropriation:		
Aquatic Lands Acct	\$	3,020,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,040,000
TOTAL	\$	9,060,000
(29) Land bank (92-4-403)		
Appropriation:		
Res Mgmt Cost Acct	\$	18,000,000
Prior Biennia (Expenditures)	\$	12,000,000
Future Biennia (Projected Costs)	\$	36,000,000
TOTAL	\$	66,000,000
(30) Irrigation development (92-2-410)		
Appropriation:		
Res Mgmt Cost Acct	\$	609,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,167,000
TOTAL	\$	3,776,000
(31) Construct and improve recreation sites (92-5-201)		
Appropriation:		
ORV Acct	\$	325,000
St Bldg Constr Acct	\$	400,000
ORA-State	\$	450,000
Subtotal Appropriation	\$	1,175,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,600,000
TOTAL	\$	2,775,000
(32) Thurston county road agreement (92-3-802)		
Appropriation:		
Access Road Rev Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	4,000,000
TOTAL	\$	6,000,000
(33) Cedar river dredging: For dredging of the delta where the Cedar river flows into Lake Washington, for the purpose of flood control and improved safety at Renton airport		

The appropriation in this subsection is contingent upon a match of at least \$500,000 from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	1,082,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,082,000

NEW SECTION. Sec. 25. FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the commission and the department of natural resources ("department") as suitable and recommended for addition to the state parks system as described in the joint study under section 4, chapter 163, Laws of 1985. All or part of the following lands shall be acquired:

- (a) Diamond Point, in Clallam county, on the Strait of Juan de Fuca;
- (b) Lord Hill, in Snohomish county, west of Monroe;
- (c) Beacon Rock, in Skamania county, adjacent to Beacon Rock State Park;
- (d) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;
- (e) South Whidbey, in Island county, adjacent to South Whidbey State park;
- (f) Wallace Falls addition, in Snohomish county, adjacent to Wallace Falls State Park;
- (g) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;
- (h) Point Lawrence in San Juan county at the extreme east point of Orcas Island;
- (i) Hoypus Hill in Island county south of the Hoypus Point Natural Forest Area at Deception Pass State Park;
- (j) Steamboat Rock in Grant county on Osborne Bay on the Banks Lake reservoir; and
- (k) Lake Easton in Kittitas county west of Lake Easton State Park near the town of Easton.

(2) If the boundaries of the properties acquired under this section vary in any significant aspect from the property boundaries identified in the study, the commission shall report to the appropriate committees of the legislature, describing the boundary variations and the justification therefor. Neither the department nor the commission shall take any final action inconsistent with the acquisition of the full parcels for park purposes until the legislature has had an opportunity to enact legislation preventing the boundary variation.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands. No deduction may be made either for administrative costs or for the resource management cost account under RCW 79.64.040. The proceeds from the transfer

of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

Appropriation:

St Bldg Constr Acct	\$	40,900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	40,900,000

NEW SECTION. Sec. 26. FOR THE STATE CONVENTION AND TRADE

CENTER

(1)	Project reserves and contingencies (89-5-001)		
	Reappropriation:		
	State Convention and Trade Center Acct	\$	1,430,734
	Prior Biennia (Expenditures)	\$	1,569,266
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	3,000,000
(2)	Conversion of retail space to meeting rooms (89-5-002)		
	Reappropriation:		
	State Convention and Trade Center Acct	\$	3,500,000
	Prior Biennia (Expenditures)	\$	1,697,364
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	5,197,364
(3)	Expansion of the 900 level (89-5-003)		
	Reappropriation:		
	State Convention and Trade Center Acct	\$	3,500,000
	Prior Biennia (Expenditures)	\$	5,316,580
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	8,816,580
(4)	Eagles Building and exterior cleanup or other capital projects (89-5-005)		
	Reappropriation:		
	State Convention and Trade Center Acct	\$	287,000
	Prior Biennia (Expenditures)	\$	13,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	300,000
(5)	Develop low-income housing (90-5-001)		
	Reappropriation:		
	State Convention and Trade Center Acct	\$	650,000
	Prior Biennia (Expenditures)	\$	150,000
	Future Biennia (Projected Costs)	\$	0

TOTAL	\$	800,000
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"PART 4

TRANSPORTATION"

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION

- | | | | |
|-----|---|----|------------|
| (1) | Acquisition of dredge spoils sites (83-1-001) | | |
| | Reappropriation: | | |
| | St Bldg Constr Acct | \$ | 200,000 |
| | Prior Biennia (Expenditures) | \$ | 3,277,162 |
| | Future Biennia (Projected Costs) | \$ | 0 |
| | TOTAL | \$ | 3,477,162 |
| (2) | Toutle river retention dam (87-1-001) | | |
| | Reappropriation: | | |
| | St Bldg Constr Acct | \$ | 5,777,882 |
| | Prior Biennia (Expenditures) | \$ | 10,722,118 |
| | Future Biennia (Projected Costs) | \$ | 0 |
| | TOTAL | \$ | 16,500,000 |
| (3) | Essential rail assistance (90-1-001) | | |
| | <p>\$1,000,000 of the reappropriation in this subsection is provided solely for distribution to county rail districts and port districts for capital expenditures for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW. The reappropriation in this subsection shall not be used for operating expenses of rail systems, programs, or services.</p> | | |
| | Reappropriation: | | |
| | ESS Rail Assis Acct | \$ | 1,000,000 |
| | Prior Biennia (Expenditures) | \$ | 200,000 |
| | Future Biennia (Projected Costs) | \$ | 2,000,000 |
| | TOTAL | \$ | 3,200,000 |
| (4) | Essential rail banking (90-1-002) | | |
| | <p>The reappropriation in this subsection is subject to the following conditions and limitations:</p> | | |
| | (a) \$1,100,000 is provided solely for the purchase of unused rail rights of way as authorized by chapter 47.76 RCW. | | |
| | (b) Expenditures shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights of way that the department proposes to acquire or assist local governments in acquiring, and as required by chapter 43, Laws of 1990. | | |
| | (c) This reappropriation shall not be used for operating expenses of rail systems, programs, or services. | | |
| | Reappropriation: | | |
| | ESS Rail Bank Acct | \$ | 1,100,000 |

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,200,000

TOTAL	\$	3,300,000

(5) Stampede Pass rail line

The appropriation in this subsection is provided solely to secure an option to acquire the track on the Stampede Pass rail line. This appropriation is contingent upon the provision of funds by the department of transportation to acquire the rail right of way.

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

NEW SECTION. Sec. 28. FOR THE WASHINGTON STATE PATROL

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

Appropriation:

St Bldg Constr Acct	\$	2,017,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,037,000

- (2) Spokane crime laboratory: For safety enhancements (92-1-008)

Appropriation:

St Bldg Constr Acct	\$	192,000
Prior Biennia (Expenditures)	\$	4,500
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	196,500

- (3) Everett district headquarters--Crime laboratory (90-2-018)

Reappropriation:

St Bldg Constr Acct	\$	455,000
Prior Biennia (Expenditures)	\$	15,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	470,000

NEW SECTION. Sec. 29. FOR THE STATE BOARD OF EDUCATION

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(1)	Public school building construction (79-3-002)		
	Reappropriation:		
	Common School Constr Fund	\$	500
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	500
(2)	Public school building construction (83-3-001)		
	Reappropriation:		
	Common School Constr Fund	\$	110,000
	Prior Biennia (Expenditures)	\$	490,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	600,000
(3)	Public school building construction (86-4-001)		
	Reappropriation:		
	Common School Constr Fund	\$	1,100,000
	Prior Biennia (Expenditures)	\$	1,400,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,500,000
(4)	Public school building construction (86-4-008)		
	Reappropriation:		
	Common School Constr Fund	\$	70,000
	Prior Biennia (Expenditures)	\$	75,298
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	145,298
(5)	Public school building construction (88-2-001)		
	Reappropriation:		
	Common School Constr Fund	\$	4,000,000
	Prior Biennia (Expenditures)	\$	61,328,022
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	65,328,022
(6)	Public school building construction (89-2-004)		
	Reappropriation:		
	Common School Constr Fund	\$	80,000

Prior Biennia (Expenditures)	\$	2,920,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,000,000

(7) Public school building construction (90-2-001)

Reappropriation:

Common School Constr Fund	\$	156,000,000
Prior Biennia (Expenditures)	\$	252,527,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	408,527,000

(8) Public school building construction (91-2-001)

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.

(b) A maximum of \$300,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and to facilitate and verify information reported by school districts.

(c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.

(d) Funding for common school construction and modernization is provided for projects approved for state assistance by the state board as of January 26, 1991.

(e) Projects approved for state assistance by the state board after January 26, 1991, pursuant to WAC 180-25-040 shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection.

(f)(i) The state board shall develop a new project priority funding system that is responsive to a variety of factors including but not limited to the type of space requested; current space availability and condition; identified program needs; cost benefit considerations of new construction, modernization, and reconfiguration alternatives; and impacts of delay.

(ii) The state board shall determine the relative importance of each of the factors, establish objective criteria for each, and develop a process for reporting and verifying data submitted by school districts.

(iii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The proceeds of bonds authorized in Engrossed Substitute House Bill No. 1430 and deposited in the common school construction fund shall serve as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by Engrossed Substitute Senate Bill No. 5184.

Appropriation:

Common School Constr Fund	\$	266,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	350,000,000

TOTAL \$ 616,000,000

(9) Public school building construction (91-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.

(b) The department of natural resources shall propose alternative rules to the rules adopted by the governor's office to implement the federal forest resources conservation and shortage relief act of 1990. The rules proposed to be adopted by the department shall: (i) Carry out the federal law; (ii) minimize economic impact on the state trusts; (iii) provide a fair system to all elements of the timber industry, treating all elements with equity; (iv) provide for and allow the largest number of bidders for state timber. The department of natural resources shall report to the legislature with the proposed rules and with recommendations on legislative solutions by December 1, 1991.

(c) The department of revenue and the department of natural resources shall jointly prepare an enforcement plan for the federal forest resources conservation and shortage relief act and shall submit the joint plan to the legislature by December 1, 1991.

(d) The department of natural resources and the department of revenue shall report to the legislature quarterly beginning July 1, 1991, on the impact of the federal forest resources conservation and shortage relief act of 1990 on the state trust land. The department of natural resources and the department of revenue shall as part of the quarterly report recommend interim measures to reduce the negative impacts of the federal act.

(e) The department of natural resources and the department of revenue shall jointly prepare a cost estimate of carrying out the federal forest resources conservation and shortage relief act of 1990 and shall submit a report to the legislature with this cost estimate by December 1, 1991.

Appropriation:

Common School Constr Fund \$ 12,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 12,000,000

NEW SECTION. Sec. 30. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

If Engrossed Substitute Senate Bill No. 5184 is enacted by June 30, 1991, the appropriations in this section shall be transferred to the state board for community college education or its successor.

- (1) Lake Washington Vocational Technical Institute: For the administrative addition, classroom space, and aerospace laboratory

If Engrossed Substitute Senate Bill No. 5184 is not enacted by June 30, 1991, the appropriation in this subsection shall lapse.

Appropriation:

St Bldg Constr Acct \$ 5,800,000

Prior Biennia (Expenditures)	\$	4,316,645
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	10,116,645

(2) Renton Vocational Technical Institute: For a business technology building

If Engrossed Substitute Senate Bill No. 5184 is not enacted by June 30, 1991, the appropriation in this subsection shall lapse.

Appropriation:		
St Bldg Constr Acct	\$	3,985,000
Prior Biennia (Expenditures)	\$	443,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,428,000

(3) Clover Park Vocational Technical Institute business education complex renovation (91-2-001)

Appropriation:		
St Bldg Constr Acct	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,500,000

(4) Bellingham Vocational Technical Institute student services and administration offices renovation (91-3-002)

Appropriation:		
St Bldg Constr Acct	\$	1,612,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,612,000

NEW SECTION. Sec. 31. FOR THE STATE SCHOOL FOR THE BLIND

(1) Demolish Richardson Hall (92-1-001)

Appropriation:		
St Bldg Constr Acct	\$	255,149
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	255,149

(2) Demolish museum building (92-1-002)

Appropriation:		
St Bldg Constr Acct	\$	255,149
Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	255,149
(3)	Elevator in administration building (92-1-003)		
	Appropriation:		
	St Bldg Constr Acct	\$	384,461
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	384,461
(4)	Automatic door: Kennedy Building (92-1-007)		
	Appropriation:		
	St Bldg Constr Acct	\$	36,020
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	36,020
(5)	Reroof Ahlsten Cottage (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct	\$	209,488
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	209,488
(6)	Irwin School electrical and communications upgrade (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct	\$	92,141
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	92,141
(7)	Swimming pool renovation (92-2-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	162,990
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	162,990
(8)	Reroof Kennedy Building (92-2-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	369,791

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	369,791
	<u>NEW SECTION.</u> Sec. 32. FOR THE STATE SCHOOL FOR THE DEAF		
(1)	Building reroof: Devine High School (92-2-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	581,119
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	581,119
(2)	Building reroof: Northrup Elementary School (92-2-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	218,182
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	218,182
(3)	Building reroof: Clark Hall (92-2-003)		
	Appropriation:		
	St Bldg Constr Acct	\$	448,842
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	448,842
(4)	Building reroof: McDonald Hall (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct	\$	135,737
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	135,737
(5)	Building reroof: Deer Hall (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct	\$	98,298
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	98,298
(6)	Replacement of outside doors at Devine High School, Northrup Primary, Deer Hall, McDonald Hall, and Dining Room (92-2-006)		
	Appropriation:		

	St Bldg Constr Acct	\$	71,624
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	71,624
(7)	Devine High School air conditioner (92-2-007)		
	Appropriation:		
	St Bldg Constr Acct	\$	26,834
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	26,834
(8)	Heating system repairs (92-2-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	32,345
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	32,345
	<u>NEW SECTION.</u> Sec. 33. FOR THE UNIVERSITY OF WASHINGTON		
(1)	Safety: Fire code, PCB, and life safety (86-1-001)		
	Reappropriation:		
	UW Bldg Acct	\$	6,890,000
	Prior Biennia (Expenditures)	\$	2,298,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	9,188,000
(2)	Safety: Asbestos removal (86-1-002)		
	The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.		
	Reappropriation:		
	UW Bldg Acct	\$	4,900,000
	Prior Biennia (Expenditures)	\$	600,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,500,000
(3)	Minor works: Building renewal (86-1-004)		
	Reappropriation:		
	UW Bldg Acct	\$	6,200,000
	Prior Biennia (Expenditures)	\$	5,983,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	12,183,000

- (4) Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)

Reappropriation:

St Bldg Constr Acct	\$	43,508,000
UW Bldg Acct	\$	3,500,000

Subtotal Reappropriation	\$	47,008,000
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Prior Biennia (Expenditures)	\$	7,856,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	54,864,000
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- (5) Minor works: Program renewal (86-3-005)

The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

UW Bldg Acct	\$	3,800,000
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Prior Biennia (Expenditures)	\$	9,540,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	13,340,000
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- (6) Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct	\$	360,000
UW Bldg Acct	\$	240,000

Subtotal Reappropriation	\$	600,000
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Appropriation:

St Bldg Constr Acct	\$	19,872,000
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Prior Biennia (Expenditures)	\$	468,495
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	20,340,495
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- (7) K Wing addition (90-1-001)

The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:

H Ed Constr Acct	\$	45,000,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	45,000,000

(8) Emergency power generation (90-2-001)		
Reappropriation:		
St Bldg Constr Acct	\$	10,500,000
Prior Biennia (Expenditures)	\$	610,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	11,110,000

- (9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)

The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	4,000,000
Appropriation:		
H Ed Reimb Constr Acct	\$	64,786,000
Prior Biennia (Expenditures)	\$	3,778,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	72,564,000

- (10) Chemistry I: Design and construction (90-2-011)

The project funded by the reappropriation in this subsection shall be constructed on campus.

Reappropriation:		
St Bldg Constr Acct	\$	37,200,000
Prior Biennia (Expenditures)	\$	1,952,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	39,152,000

- (11) Electrical engineering and computer science building: To complete the design and continue preplanning of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)

The project funded by the reappropriation in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	3,450,000

Appropriation:	
St Bldg Constr Acct	\$ 3,000,000
Prior Biennia (Expenditures)	\$ 661,000
Future Biennia (Projected Costs)	\$ 90,500,000

TOTAL	\$ 97,611,000

- (12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

Reappropriation:	
St Bldg Constr Acct	\$ 830,000
UW Bldg Acct	\$ 770,000

Subtotal Reappropriation	\$ 1,600,000
Prior Biennia (Expenditures)	\$ 7,539,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 9,139,000

- (13) Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, and life safety and fire code regulations (92-1-004)

Appropriation:	
St Bldg Constr Acct	\$ 10,640,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 33,333,000

TOTAL	\$ 43,973,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:	
St Bldg Constr Acct	\$ 3,525,000
UW Bldg Acct	\$ 5,000,000

Subtotal Appropriation	\$ 8,525,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 40,200,000

TOTAL	\$ 48,725,000

- (15) Communications Building Renovation (88-2-014)

Reappropriation:	
St Bldg Constr Acct	\$ 2,015,000

UW Bldg Acct	\$	1,167,000
Subtotal Reappropriation	\$	3,182,000
Prior Biennia (Expenditures)	\$	3,555,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,737,000
 (16) Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)		
Appropriation:		
St Bldg Constr Acct	\$	235,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,488,000
TOTAL	\$	2,723,000
 (17) Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)		
Appropriation:		
St Bldg Constr Acct	\$	3,314,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,314,000
 (18) Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)		
The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
Appropriation:		
St Bldg Constr Acct	\$	2,543,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	37,800,000
TOTAL	\$	40,343,000
 (19) Chiller addition: To add one central power plant chiller unit (92-2-009)		
Appropriation:		
St Bldg Constr Acct	\$	2,459,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,459,000

(20) Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)

Appropriation:

St Bldg Constr Acct	\$	2,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,700,000

(21) Electrical distribution: To upgrade the campus electrical distribution (92-2-012)

Appropriation:

St Bldg Constr Acct	\$	1,300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,300,000

(22) Other utility projects: To remove and decontaminate six underground storage tanks (92-2-013)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

St Bldg Constr Acct	\$	60,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	20,000,000
TOTAL	\$	20,060,000

(23) Comparative medicine facility: To construct an animal laboratory facility (92-2-017)

Appropriation:

St Bldg Constr Acct	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	700,000

(24) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	3,850,000
UW Bldg Acct	\$	5,000,000

	Subtotal Appropriation	\$	8,850,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	43,250,000
	TOTAL	\$	52,100,000
(25)	Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)		
	Appropriation:		
	UW Bldg Acct	\$	1,759,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,759,000
(26)	Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Appropriation:		
	UW Bldg Acct	\$	7,238,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,238,000
(27)	Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)		
	Reappropriation:		
	St Bldg Constr Acct	\$	215,000
	Appropriation:		
	UW Bldg Acct	\$	1,670,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,885,000
(28)	Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)		
	The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Appropriation:		
	State Bldg Constr Acct	\$	1,850,000
	Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs)	\$	91,528,000
	TOTAL	\$	93,378,000
(29)	Olympic Natural Resources Center		

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

	State Bldg Constr Acct	\$	5,675,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,675,000
(30)	Employee day care facility--Preplanning		

The appropriation in this subsection is subject to the following conditions and limitations: The appropriation is provided solely for the purpose of analyzing the need for, and potential sites of, a day care facility located on or near the Seattle campus of the University of Washington for the use of University of Washington employees.

Appropriation:

	St Bldg Constr Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	50,000

NEW SECTION. Sec. 34. FOR WASHINGTON STATE UNIVERSITY

(1)	Science Hall renewal, phase 2 (86-1-006)		
	Reappropriation:		
	H Ed Constr Acct	\$	400,000
	Prior Biennia (Expenditures)	\$	10,804,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	11,204,000

(2) Minor capital improvements (90-1-001)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

	WSU Bldg Acct	\$	1,788,000
	Prior Biennia (Expenditures)	\$	3,212,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,000,000

(3) Minor capital renewal (90-1-002)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
St Bldg Constr Acct	\$ 1,950,000
Prior Biennia (Expenditures)	\$ 3,050,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 5,000,000

(4) Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

Reappropriation:	
WSU Bldg Acct	\$ 2,700,000
Prior Biennia (Expenditures)	\$ 55,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,755,000

(5) Land acquisition (Branch Campus) (90-5-002)

Reappropriation:	
St Bldg Constr Acct	\$ 250,000
Prior Biennia (Expenditures)	\$ 1,095,333
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,345,333

(6) Tri-Cities University Center (90-5-901)

Reappropriation:	
St Bldg Constr Acct	\$ 2,850,000
Prior Biennia (Expenditures)	\$ 9,548,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 12,398,000

(7) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for

computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

WSU Bldg Acct	\$	6,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	21,300,000
TOTAL	\$	27,800,000

- (8) Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)

Reappropriation:

WSU Bldg Acct	\$	525,100
Appropriation:		
WSU Bldg Acct	\$	670,000
Prior Biennia (Expenditures)	\$	7,900
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,203,000

- (9) Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)

Reappropriation:

WSU Bldg Acct	\$	638,300
Appropriation:		
WSU Bldg Acct	\$	542,000
Prior Biennia (Expenditures)	\$	9,700
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,190,000

- (10) Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

WSU Bldg Acct	\$	21,700
Appropriation:		
St Bldg Constr Acct	\$	1,343,000
Prior Biennia (Expenditures)	\$	130,300
Future Biennia (Projected Costs)	\$	5,570,000
TOTAL	\$	7,065,000

- (11) Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)

The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.

Appropriation:	
WSU Bldg Acct	\$ 1,513,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,513,000

- (12) Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 957,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 7,943,000
TOTAL	\$ 8,900,000

- (13) Nuclear radiation center study (92-1-025)

Reappropriation:	
WSU Bldg Acct	\$ 13,400
Prior Biennia (Expenditures)	\$ 39,600
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 53,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:	
St Bldg Constr Acct	\$ 5,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,500,000

- (15) Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym

addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)

The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.

Appropriation:	
WSU Bldg Acct	\$ 869,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 869,000

- (16) Holland Library addition: To furnish and equip the library addition (92-2-012)

Reappropriation:	
St Bldg Constr Acct	\$ 29,500,000
WSU Bldg Acct	\$ 48,600
Subtotal Reappropriation	\$ 29,548,600

Appropriation:	
St Bldg Constr Acct	\$ 2,580,000
Prior Biennia (Expenditures)	\$ 4,992,400
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 37,121,000

- (17) Veterinary teaching hospital: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 970,000
WSU Bldg Acct	\$ 110,000
Subtotal Reappropriation	\$ 1,080,000

Appropriation:	
H Ed Reimb Constr Acct	\$ 26,835,000
Prior Biennia (Expenditures)	\$ 747,000
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 28,662,000

- (18) Child care facility: To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)

Appropriation:

St Bldg Constr Acct	\$	2,171,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,171,000

- (19) Carpenter Hall completion (renewal): To complete the renovation of Carpenter Hall (92-2-016)

Reappropriation:		
H Ed Constr Acct	\$	500,000
Appropriation:		
WSU Bldg Acct	\$	810,000
Prior Biennia (Expenditures)	\$	6,289,715
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	7,599,715

- (20) Communication infrastructure renewal: To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:		
St Bldg Constr Acct	\$	10,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	10,000,000

- (21) Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurnishing of classrooms and offices (92-2-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
WSU Bldg Acct	\$	37,000
Appropriation:		
St Bldg Constr Acct	\$	1,143,000
Prior Biennia (Expenditures)	\$	145,000
Future Biennia (Projected Costs)	\$	14,795,000

TOTAL	\$	16,120,000

- (22) Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	15,000,000
WSU Bldg Acct	\$	967,000

Subtotal Appropriation	\$	15,967,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	15,967,000
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- (23) Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Appropriation:

WSU Bldg Acct	\$	1,761,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,761,000
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- (24) WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at the Tree Fruit Research and Extension Center in Wenatchee (92-2-908)

Appropriation:

WSU Bldg Acct	\$	2,407,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,407,000
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- (25) Dairy and forage facility: To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

Appropriation:

WSU Bldg Acct	\$	2,714,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,714,000
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- (26) Chilled water storage facility: To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

Appropriation:

St Bldg Constr Acct	\$	2,850,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,850,000
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NEW SECTION. Sec. 35. FOR EASTERN WASHINGTON UNIVERSITY

- (1) Math, science, and technology: To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	141,000
Appropriation:		
St Bldg Constr Acct	\$	150,000
Prior Biennia (Expenditures)	\$	91,000
Future Biennia (Projected Costs)	\$	4,850,000
TOTAL	\$	5,232,000

- (2) Science building addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	7,000,000
Appropriation:		
St Bldg Constr Acct	\$	7,780,000
Prior Biennia (Expenditures)	\$	6,255,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	21,035,000

- (3) Electrical system renewal (86-1-002)

Reappropriation:		
St Bldg Constr Acct	\$	890,000
Prior Biennia (Expenditures)	\$	1,894,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,784,000

- (4) Roof replacement: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school (86-1-003)

Reappropriation:		
St Bldg Constr Acct	\$	213,000
Appropriation:		
EWU Cap Proj Acct	\$	1,000,000

Prior Biennia (Expenditures)	\$	985,000
Future Biennia (Projected Costs)	\$	1,500,000
TOTAL	\$	3,698,000

(5) Minor capital improvements (86-1-010)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

EWU Cap Proj Acct	\$	1,100,000
Prior Biennia (Expenditures)	\$	3,363,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	4,463,000

(6) Small repairs projects (86-1-011)

Reappropriation:

EWU Cap Proj Acct	\$	422,000
Prior Biennia (Expenditures)	\$	1,107,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,529,000

(7) Energy conservation (86-2-006)

Reappropriation:

St H Ed Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	554,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	754,000

(8) Life and safety code compliance, asbestos: To continue removal of asbestos on a phased basis (88-1-001)

The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.

Appropriation:

EWU Cap Proj Acct	\$	850,000
Prior Biennia (Expenditures)	\$	1,283,000
Future Biennia (Projected Costs)	\$	2,500,000
TOTAL	\$	4,633,000

(9) Fire suppression: To install fire suppression systems throughout the campus (88-1-005)

Reappropriation:

St Bldg Constr Acct	\$	30,000
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Appropriation:	
EWU Cap Proj Acct	\$ 850,000
Prior Biennia (Expenditures)	\$ 496,000
Future Biennia (Projected Costs)	\$ 1,700,000

TOTAL	\$ 3,076,000
(10) Telecommunications, cable replacement: To replace the existing system with a complete data/video network (90-2-004)	
Reappropriation:	
EWU Cap Proj Acct	\$ 850,000
Appropriation:	
St Bldg Constr Acct	\$ 2,000,000
Prior Biennia (Expenditures)	\$ 230,000
Future Biennia (Projected Costs)	\$ 1,000,000

TOTAL	\$ 4,080,000
(11) Seventh Street replacement (90-3-001)	
Reappropriation:	
EWU Cap Proj Acct	\$ 338,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 338,000
(12) Minor capital renewal (90-3-002)	
Reappropriation:	
EWU Cap Proj Acct	\$ 1,150,000
Prior Biennia (Expenditures)	\$ 17,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,167,000
(13) Kennedy Library addition and heating, ventilation, and air conditioning (90-5-003)	
Reappropriation:	
EWU Cap Proj Acct	\$ 56,000
Prior Biennia (Expenditures)	\$ 109,000
Future Biennia (Projected Costs)	\$ 1,200,000

TOTAL	\$ 1,365,000
(14) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)	

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for

computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$125,000 may be used to acquire property from the Department of Natural Resources.

Appropriation:

EWU Cap Proj Acct	\$	2,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	4,400,000
TOTAL	\$	6,600,000

- (15) Small repair projects: To complete small repair projects costing less than \$25,000 (92-1-002)

Appropriation:

EWU Cap Proj Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,000,000
TOTAL	\$	3,000,000

- (16) Underground storage tanks, code compliance: To remove six underground storage tanks under EPA requirements (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

EWU Cap Proj Acct	\$	60,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	60,000

- (17) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-3-004)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,000,000
TOTAL	\$	5,000,000

- (18) Eastern Washington University Spokane Center: To provide fire egress and remodel the interior areas (92-5-008)

Appropriation:

EWU Cap Proj Acct	\$	1,200,000
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	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,200,000
	<u>NEW SECTION.</u> Sec. 36. FOR CENTRAL WASHINGTON UNIVERSITY		
(1)	Energy savings projects (86-2-005)		
	Reappropriation:		
	CWU Cap Proj Acct	\$	100,000
	Prior Biennia (Expenditures)	\$	808,276
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	908,276
(2)	Handicap modifications (88-1-007)		
	Reappropriation:		
	CWU Cap Proj Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	565,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	715,000
(3)	Psychology animal research facility (90-1-060)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,700,000
	Prior Biennia (Expenditures)	\$	447,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,147,000
(4)	Telecommunications system, phase 2 (90-2-003)		
	Reappropriation:		
	CWU Cap Proj Acct	\$	1,182,000
	Prior Biennia (Expenditures)	\$	261,600
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,443,600
(5)	Shaw/Smyser Hall remodel (90-2-005)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,406,000
	CWU Cap Proj Acct	\$	950,000

	Subtotal Reappropriation	\$	3,356,000
	Prior Biennia (Expenditures)	\$	349,900
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	3,705,900
(6)	Life and safety: To complete minor projects that correct code violations and hazards (92-1-030)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Appropriation:		
	CWU Cap Proj Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	1,989,482
	Future Biennia (Projected Costs)	\$	1,000,000
	TOTAL	\$	4,189,482
(7)	Asbestos and PCB abatement: To remove asbestos and PCB contaminated materials and replace with nonhazardous materials (92-1-040)		
	The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.		
	Appropriation:		
	CWU Cap Proj Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	500,000
	Future Biennia (Projected Costs)	\$	850,000
	TOTAL	\$	2,100,000
(8)	Barge Hall renovation: To complete the construction phase of the Barge Hall renovation (92-2-001)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Appropriation:		
	St Bldg Constr Acct	\$	10,465,200
	Prior Biennia (Expenditures)	\$	450,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	11,065,200
(9)	Dean Science Building remodel and annex construction: To complete program preplanning documents for remodeling Dean Science Building and constructing an annex (92-2-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	193,500
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	17,608,000

TOTAL \$ 17,801,500

(10) Chilled water expansion: To extend the cooling system to additional buildings (92-2-004)

Appropriation:
 St Bldg Constr Acct \$ 800,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 1,600,000

 TOTAL \$ 2,400,000

(11) Minor capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-2-050)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:
 CWU Cap Proj Acct \$ 2,650,000
 Appropriation:
 CWU Cap Proj Acct \$ 3,791,000
 Prior Biennia (Expenditures) \$ 3,672,809
 Future Biennia (Projected Costs) \$ 6,978,000

 TOTAL \$ 17,091,809

(12) Electrical cable replacement: To partially replace the underground high voltage system (92-3-003)

Appropriation:
 CWU Cap Proj Acct \$ 800,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 1,700,000

 TOTAL \$ 2,500,000

(13) Nicholson Pavilion and athletic facilities remodel: To upgrade the pavilion's skylight, pool, gymnasium floor, locker rooms, and field and track surfaces

Appropriation:
 CWU Cap Proj Acct \$ 1,170,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) \$ 0

 TOTAL \$ 1,170,000

NEW SECTION. Sec. 37. FOR THE EVERGREEN STATE COLLEGE

(1) Failed systems (90-2-001)

Reappropriation:
 St Bldg Constr Acct \$ 331,800

	Prior Biennia (Expenditures)	\$	212,270
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	544,070
(2)	Failed systems: Exterior building reseal and campus activity building settling and deck recaulk		
	Reappropriation:		
	St Bldg Constr Acct	\$	53,000
	Prior Biennia (Expenditures)	\$	192,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	245,000
(3)	Lab annex remodel, metal and wood support shops: To provide a consolidated wood/metal studio in the visual arts program area (90-5-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	972,100
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	972,100
(4)	Life and safety and code compliance: To complete minor projects that correct code violations and hazards (92-1-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,766,500
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,766,500
(5)	Underground storage tank replacement, phase 1: To replace six single-wall tanks with four double-wall lined tanks (92-1-003)		
	The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.		
	Appropriation:		
	St Bldg Constr Acct	\$	120,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	120,000
(6)	Minor works, failed systems: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct	\$	967,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	967,000

(7) Minor works, academics and program support: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-2-009)

Appropriation:		
St Bldg Constr Acct	\$	956,300
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	956,300

(8) Small repairs and improvements: To complete small repair projects costing less than \$25,000 (92-2-010)

Appropriation:		
TESC Cap Proj Acct	\$	185,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	185,000

(9) Emergency repairs: To repair unforeseen breakdowns in building and utility systems (92-2-011)

Appropriation:		
TESC Cap Proj Acct	\$	162,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	162,000

(10) Heat, ventilation, and air conditioning repairs: To identify and repair problems in the heating, ventilation, and air conditioning systems in five buildings (92-3-006)

Appropriation:		
St Bldg Constr Acct	\$	430,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	430,000

NEW SECTION. Sec. 38. FOR WESTERN WASHINGTON UNIVERSITY

(1) Construct and equip science facility, phase 1 (90-1-001)

Reappropriation:		
St Bldg Constr Acct	\$	20,300,000
Prior Biennia (Expenditures)	\$	1,630,700
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	21,930,700
(2)	Science facility, phase 2 (design) (90-1-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	780,000
	Prior Biennia (Expenditures)	\$	107,300
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	887,300
(3)	Institute of Wildlife Toxicology (90-2-003)		
	Reappropriation:		
	WWU Cap Proj Acct	\$	744,000
	Prior Biennia (Expenditures)	\$	756,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,500,000
(4)	Construct and equip science facility, phase 2: To construct a new science building for biology, including classrooms, laboratories, and faculty offices (92-1-007)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Appropriation:		
	St Bldg Constr Acct	\$	21,374,300
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	21,374,300
(5)	Science facility, phase 3: To complete the design for a new science building for the science education program, including lecture halls for all university science programs (92-1-008)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Appropriation:		
	St Bldg Constr Acct	\$	707,500
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	9,371,400
	TOTAL	\$	10,078,900
(6)	Minor works capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-1-022)		

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
WWU Cap Proj Acct	\$ 2,500,000
Appropriation:	
WWU Cap Proj Acct	\$ 7,500,000
Prior Biennia (Expenditures)	\$ 7,807,465
Future Biennia (Projected Costs)	\$ 12,000,000

TOTAL	\$ 29,807,465

(7) Land acquisition: To acquire additional land on the northern and southern campus boundaries and moorage facilities at Shannon Point Marine Center (92-3-021)

Appropriation:	
St Bldg Constr Acct	\$ 1,450,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,450,000

NEW SECTION. Sec. 39. FOR THE STATE LIBRARY

(1) Library for the blind and physically handicapped planning (90-5-001)

The reappropriation in this section is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature by December 1, 1991.

Reappropriation:	
General Fund-State	\$ 75,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 75,000

NEW SECTION. Sec. 40. FOR THE WASHINGTON STATE HISTORICAL

SOCIETY

- (1) Union Station: To design and construct a new exhibit center at Union Station (90-5-005)

(a) The Washington State Historical Society shall report to the appropriate committees of the legislature by November 1, 1992, on its plans to phase-in installation of exhibitry and on its efforts to secure additional funding from nonstate sources for exhibitry and other components of the project.

(b) It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$28,815,000 from state moneys, including all costs for land, design, construction, and exhibits.

(c) A portion of exhibitry costs shall be used to fulfill the requirement that one-half percent of construction costs be used for artwork.

Reappropriation:	
St Bldg Constr Acct	\$ 2,955,000
Appropriation:	
St Bldg Constr Acct	\$ 610,000
Prior Biennia (Expenditures)	\$ 125,000
Future Biennia (Projected Costs)	\$ 25,125,000

TOTAL	\$ 28,815,000

- (2) Correction of code violations: To extend the existing fire sprinkler system to the entire building and to install smoke and ionization detectors throughout the museum building (92-1-001)

Appropriation:	
St Bldg Constr Acct	\$ 250,849
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 250,849

- (3) Minor works

The appropriation in this subsection is subject to the following conditions and limitations: \$222,424 is provided solely to repair the interior and exterior of the museum building.

Appropriation:	
St Bldg Constr Acct	\$ 222,424
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 222,424

NEW SECTION. Sec. 41. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

- (1) To complete restoration of interior rooms, the conservatory, the veranda, and the exterior of the Campbell House (86-1-002)

Appropriation:	
St Bldg Constr Acct	\$ 746,211
Prior Biennia (Expenditures)	\$ 542,832

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,289,043

(2) Cheney Cowles Museum: For an energy-efficient boiler system, a temperature/humidity system for the entire museum, and a clean-air filtration system (92-2-001)

Appropriation:		
St Bldg Constr Acct	\$	424,279
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	424,279

(3) Cheney Cowles Museum: To replace outdated museum lighting (92-2-002)

Appropriation:		
St Bldg Constr Acct	\$	56,727
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	56,727

NEW SECTION. Sec. 42. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

(1) For replacement of building systems and for maintenance and improvements to the interior or exterior of the Lord Mansion and the Carriage House (92-1-003)

Reappropriation:		
St Bldg Constr Acct	\$	10,600
Appropriation:		
St Bldg Constr Acct	\$	99,510
Prior Biennia (Expenditures)	\$	16,400
Future Biennia (Projected Costs)	\$	10,500
TOTAL	\$	137,010

NEW SECTION. Sec. 43. FOR THE COMMUNITY COLLEGE SYSTEM

(1) Extension facility (Puyallup) (86-3-021)

Reappropriation:		
St Bldg Constr Acct	\$	99,211
Prior Biennia (Expenditures)	\$	5,276,789
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,376,000

(2) Tech building and remodeling (Skagit Valley) (86-3-022)

Reappropriation:		
St Bldg Constr Acct	\$	30,085

	Prior Biennia (Expenditures)	\$ 3,369,915
	Future Biennia (Projected Costs)	0
	TOTAL	\$ 3,400,000
(3)	Heavy equipment building (South Seattle) (86-3-026)	
	Reappropriation:	
	St Bldg Constr Acct	\$ 17,901
	Prior Biennia (Expenditures)	\$ 4,429,099
	Future Biennia (Projected Costs)	0
	TOTAL	\$ 4,447,000
(4)	Minor works (RMI) (88-2-001)	
	Reappropriation:	
	St Bldg Constr Acct	\$ 114,174
	Prior Biennia (Expenditures)	\$ 3,385,826
	Future Biennia (Projected Costs)	0
	TOTAL	\$ 3,500,000
(5)	Repairs, exterior walls (88-3-003)	
	Reappropriation:	
	St Bldg Constr Acct	\$ 218,614
	Prior Biennia (Expenditures)	\$ 4,045,386
	Future Biennia (Projected Costs)	0
	TOTAL	\$ 4,264,000
(6)	Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)	
	Reappropriation:	
	St Bldg Constr Acct	\$ 500,121
	Prior Biennia (Expenditures)	\$ 3,574,879
	Future Biennia (Projected Costs)	0
	TOTAL	\$ 4,075,000
(7)	Minor improvements (88-3-005)	
	Reappropriation:	
	St Bldg Constr Acct	\$ 781,756
	Prior Biennia (Expenditures)	\$ 12,982,244
	Future Biennia (Projected Costs)	0
	TOTAL	\$ 13,764,000
(8)	Repairs, electrical (88-3-006)	
	Reappropriation:	
	St Bldg Constr Acct	\$ 114,986

	Prior Biennia (Expenditures)	\$	1,277,014
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,392,000
(9)	Sites and interiors (88-3-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	168,312
	Prior Biennia (Expenditures)	\$	1,757,688
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,926,000
(10)	Agri Tech building (Walla Walla) (88-3-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,000,539
	Prior Biennia (Expenditures)	\$	2,114,461
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,115,000
(11)	Plan, and construct library-student center (86-2-031)		
	Reappropriation:		
	St Bldg Constr Acct	\$	328,911
	Prior Biennia (Expenditures)	\$	7,662,089
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,991,000
(12)	Vocational shop (Wenatchee) (88-3-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	613,953
	Prior Biennia (Expenditures)	\$	341,047
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	955,000
(13)	Computer facility (Edmonds) (88-3-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	14,934
	Prior Biennia (Expenditures)	\$	3,820,066
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,835,000
(14)	Learning resource center (Clark) (88-3-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	620,017

	Prior Biennia (Expenditures)	\$	5,759,983
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,380,000
(15)	Extension center (Yakima Valley) (88-3-013)		
	Reappropriation:		
	St Bldg Constr Acct	\$	102,068
	Prior Biennia (Expenditures)	\$	1,588,932
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,691,000
(16)	Math and science building (Spokane Falls) (88-3-015)		
	Reappropriation:		
	St Bldg Constr Acct	\$	779,618
	Prior Biennia (Expenditures)	\$	4,970,382
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,750,000
(17)	Learning resource center (Spokane) (88-3-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	588,025
	Prior Biennia (Expenditures)	\$	4,946,975
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,535,000
(18)	Preplanning for 1989-93 major projects (88-4-014)		
	Reappropriation:		
	St Bldg Constr Acct	\$	48,852
	Prior Biennia (Expenditures)	\$	448,148
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	497,000
(19)	Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)		
	Reappropriation		
	St Bldg Constr Acct	\$	66,117
	Appropriation:		
	St Bldg Constr Acct	\$	2,123,000
	Prior Biennia (Expenditures)	\$	41,883
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,231,000

- (20) Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	5,998,000
Prior Biennia (Expenditures)	\$	256,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	6,254,000

- (21) Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)

Reappropriation:

St Bldg Constr Acct	\$	20,747
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Appropriation:

St Bldg Constr Acct	\$	1,307,000
Prior Biennia (Expenditures)	\$	57,253
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,385,000

- (22) Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)

Reappropriation:

St Bldg Constr Acct	\$	77,194
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Appropriation:

St Bldg Constr Acct	\$	1,972,000
Prior Biennia (Expenditures)	\$	35,806
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,085,000

- (23) Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)

Reappropriation:

St Bldg Constr Acct	\$	49,234
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Appropriation:

St Bldg Constr Acct	\$	2,025,000
Prior Biennia (Expenditures)	\$	45,766
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,120,000

- (24) Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)

Reappropriation:		
St Bldg Constr Acct	\$	76,722
Appropriation:		
St Bldg Constr Acct	\$	1,746,000
Prior Biennia (Expenditures)	\$	13,278
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,836,000

- (25) Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)

Reappropriation:		
St Bldg Constr Acct	\$	138,067
Appropriation:		
St Bldg Constr Acct	\$	2,902,000
Prior Biennia (Expenditures)	\$	1,933
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,042,000

- (26) Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	33,714
Appropriation:		
St Bldg Constr Acct	\$	6,311,000
Prior Biennia (Expenditures)	\$	211,286
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	6,556,000

- (27) Construct: Student activity and physical education facility (Seattle Central) (88-5-028)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	148,348
Appropriation:		
St Bldg Constr Acct	\$	11,080,000
Prior Biennia (Expenditures)	\$	251,652
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	11,480,000
(28)	Washington State University education center (Clark) (89-5-019)		
	Reappropriation:		
	St Bldg Constr Acct	\$	12,793
	Prior Biennia (Expenditures)	\$	1,787,207
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,800,000
(29)	Multipurpose child care center (Everett) (89-5-020)		
	Reappropriation:		
	St Bldg Constr Acct	\$	20,055
	Prior Biennia (Expenditures)	\$	465,533
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	485,588
(30)	Fire and security repairs (90-1-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	499,132
	Prior Biennia (Expenditures)	\$	448,478
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	947,610
(31)	Asbestos repairs (90-1-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	59,824
	Prior Biennia (Expenditures)	\$	1,157,376
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,217,200
(32)	Roof and structural repairs (90-2-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,336,671
	Prior Biennia (Expenditures)	\$	2,321,329
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,658,000
(33)	Heating, ventilation, and air conditioning mechanical repairs (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,412,452
	Prior Biennia (Expenditures)	\$	1,560,378
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,972,830
(34)	Electrical repairs (90-2-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	126,639
	Prior Biennia (Expenditures)	\$	244,601
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	371,240
(35)	Small repairs and improvements (90-3-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,338,574
	Prior Biennia (Expenditures)	\$	2,861,426
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,200,000
(36)	Learning assistance resource center (Centralia) (90-3-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	66,076
	Prior Biennia (Expenditures)	\$	4,147,924
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,214,000
(37)	Facility repairs (90-3-007)		
	The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation:		
	St Bldg Constr Acct	\$	740,342
	Prior Biennia (Expenditures)	\$	3,107,838
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,848,180
(38)	Technology laboratories (Highline) (90-3-023)		
	Reappropriation:		
	St Bldg Constr Acct	\$	554,817
	Prior Biennia (Expenditures)	\$	2,213,183
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,768,000

(39) Minor improvements (90-5-009)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

St Bldg Constr Acct	\$	4,454,434
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Prior Biennia (Expenditures)	\$	8,838,506
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	13,292,940
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(40) Design: Technology center (Whatcom) (90-5-010)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct	\$	34,750
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Appropriation:

St Bldg Constr Acct	\$	249,000
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Prior Biennia (Expenditures)	\$	28,250
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Future Biennia (Projected Costs)	\$	6,378,000
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TOTAL	\$	6,690,000
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(41) Design: Physical education facility (North Seattle) (90-5-011)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	202,000
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Prior Biennia (Expenditures)	\$	45,000
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Future Biennia (Projected Costs)	\$	6,940,000
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TOTAL	\$	7,187,000
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(42) Design: Applied arts building (Spokane Falls) (90-5-012)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct	\$	33,157
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Appropriation:

St Bldg Constr Acct	\$	280,000
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Prior Biennia (Expenditures)	\$	34,843
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Future Biennia (Projected Costs)	\$	5,213,000
TOTAL	\$	5,561,000

(43) Design: Industrial tech building (Spokane) (90-5-013)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	9,076
Appropriation:		
St Bldg Constr Acct	\$	298,000
Prior Biennia (Expenditures)	\$	54,924
Future Biennia (Projected Costs)	\$	6,536,000
TOTAL	\$	6,898,000

(44) Design: Vocational art facility (Shoreline) (90-5-014)

Reappropriation:		
St Bldg Constr Acct	\$	22,407
Appropriation:		
St Bldg Constr Acct	\$	157,000
Prior Biennia (Expenditures)	\$	28,593
Future Biennia (Projected Costs)	\$	2,785,000
TOTAL	\$	2,993,000

(45) Design: Business education building (Clark) (90-5-015)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	33,280
Appropriation:		
St Bldg Constr Acct	\$	305,000
Prior Biennia (Expenditures)	\$	39,720
Future Biennia (Projected Costs)	\$	5,725,000
TOTAL	\$	6,103,000

(46) Design: Student center (South Seattle) (90-5-016)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	5,117

Appropriation:	
St Bldg Constr Acct	\$ 258,000
Prior Biennia (Expenditures)	\$ 53,883
Future Biennia (Projected Costs)	\$ 4,276,000
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TOTAL	\$ 4,593,000
(47) Design: Library addition (Skagit Valley) (90-5-017)	
Appropriation:	
St Bldg Constr Acct	\$ 116,000
Prior Biennia (Expenditures)	\$ 44,000
Future Biennia (Projected Costs)	\$ 1,896,000
	<hr/>
TOTAL	\$ 2,056,000
(48) Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)	
Appropriation:	
St Bldg Constr Acct	\$ 105,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 105,000
(49) Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)	
Appropriation:	
St Bldg Constr Acct	\$ 498,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 498,000
(50) Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)	
Appropriation:	
St Bldg Constr Acct	\$ 78,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 78,000
(51) Acquisition: Purchase auto shop that is currently being leased (Olympic) (92-1-604)	
Appropriation:	
St Bldg Constr Acct	\$ 700,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

	TOTAL	\$	700,000
(52)	Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)		
	Appropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	280,000
(53)	Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,893,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,893,000
(54)	Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)		
	The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.		
	Appropriation:		
	St Bldg Constr Acct	\$	650,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	650,000
(55)	Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,172,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,172,000
(56)	Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)		
	Appropriation:		
	St Bldg Constr Acct	\$	7,457,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	7,457,000
(57)	Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)		
	Appropriation:		
	St Bldg Constr Acct	\$	817,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	817,000
(58)	Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,074,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,074,000
(59)	Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,307,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,307,000
(60)	Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,508,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,508,000
(61)	Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)		
	Appropriation:		
	St Bldg Constr Acct	\$	692,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	692,000

- (62) Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)

Appropriation:	
St Bldg Constr Acct	\$ 1,440,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,440,000

- (63) Site repairs: To provide site improvements on eleven campuses (92-2-111)

Appropriation:	
St Bldg Constr Acct	\$ 1,329,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,329,000

- (64) Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)

Appropriation:	
St Bldg Constr Acct	\$ 6,211,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 6,211,000

- (65) Minor improvements: To complete fifty-six minor improvement projects costing less than \$500,000 each (92-5-200)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:	
St Bldg Constr Acct	\$ 16,792,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 16,792,000

- (66) Preplan: Puyallup, phase 2 (Pierce) (92-5-501)

Appropriation:	
St Bldg Constr Acct	\$ 57,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 9,653,000
TOTAL	\$ 9,710,000

(67) Preplan: Vocational building (Skagit Valley) (92-5-502)		
Appropriation:		
St Bldg Constr Acct	\$	25,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,116,000
		<hr/>
TOTAL	\$	2,141,000
(68) Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)		
Appropriation:		
St Bldg Constr Acct	\$	45,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,942,000
		<hr/>
TOTAL	\$	6,987,000
(69) Preplan: Office and instructional building (Edmonds) (92-5-504)		
Appropriation:		
St Bldg Constr Acct	\$	58,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	8,485,000
		<hr/>
TOTAL	\$	8,543,000
(70) Preplan: Technical skills facility (South Puget Sound) (92-5-505)		
Appropriation:		
St Bldg Constr Acct	\$	42,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,849,000
		<hr/>
TOTAL	\$	5,891,000
(71) Learning resource center and technical facility (Green river) (92-5-506)		
Appropriation:		
St Bldg Constr Acct	\$	58,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	10,462,000
		<hr/>
TOTAL	\$	10,520,000
(72) Preplan: New Campus One (92-5-701)		
Appropriation:		
St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	14,800,000
		<hr/>
TOTAL	\$	15,100,000

(73) Pool repairs (Pierce)

Appropriation:	
St Bldg Constr Acct	\$ 600,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 600,000

NEW SECTION. Sec. 44. FOR THE HIGHER EDUCATION COORDINATING BOARD

Higher education facilities inventory: To develop, through use of existing institutional records and information systems, and implement, on a pilot demonstration basis at Western Washington University, a state-wide facilities inventory, measuring and describing the volume, condition, and use levels of classroom, research labs, teaching labs, office, and library space at the public institutions of higher education.

Appropriation:	
St Bldg Constr Acct	\$ 120,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 300,000

TOTAL	\$ 420,000

"PART 6
MISCELLANEOUS"

NEW SECTION. Sec. 45. The estimated general fund-state debt service costs related solely to the new capital appropriations within this act are \$26,220,000 during the 1991-93 fiscal period; \$146,400,000 during the 1993-95 fiscal period; and \$192,200,000 during the 1995-97 fiscal period.

NEW SECTION. Sec. 46. The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(1) Department of Social and Health Services to:

(a) Lease a multi-service center in Benton county for \$2,592,450 during the 1991-93 biennium; and

(b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium.

(2) Department of Corrections to:

(a) Lease-purchase a sixty-bed work-release facility in Benton county for \$1,186,850 during the 1991-93 biennium;

(b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;

(c) Lease-purchase twelve forty-bed work-release facilities in as-yet-undetermined locations state-wide for \$1,337,670 each, for a total of \$16,052,040 during the 1991-93 biennium;

(d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; and

(e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium.

(3) State Board for Community College Education to:

(a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;

(b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;

(c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;

(d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;

(e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;

(f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;

(g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;

(h) Lease-purchase land in Bellingham for Whatcom Community College for \$70,000 during the 1991-93 biennium;

(i) Purchase a central storage facility for Spokane Community College for \$75,000; and

(j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000.

(4) The Department of Ecology, to acquire; design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

NEW SECTION. Sec. 47. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.

One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. One-half of one percent of moneys appropriated in this act for original construction of any building by any college or university or for any major renovation or remodel work exceeding \$200,000 by any college or university is provided solely for the purposes of RCW 28B.10.027. One-half of one percent of moneys appropriated in this act for original construction of any other public building by a state agency as defined by RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

NEW SECTION. Sec. 48. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 49. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1991, in the 1989-91 biennial appropriations for each project.

NEW SECTION. Sec. 50. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 51. As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

NEW SECTION. Sec. 52. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the

moneys were appropriated may replace the federal moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital facilities and financing.

NEW SECTION. Sec. 53. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement under RCW 43.88.150 shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

NEW SECTION. Sec. 54. Notwithstanding any other provisions of law, for the 1991-93 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 55. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 56. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days prior to the date the transfer is effected.

NEW SECTION. Sec. 57. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's programmatic preplanning document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space

available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

NEW SECTION. Sec. 58. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

"PART 7

SEVERABILITY AND EFFECTIVE DATE"

NEW SECTION. Sec. 59. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 60. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 61. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending 1989 1st ex.s. c 12 s 397 (uncodified); amending 1989 1st ex.s. c 12 s 398 (uncodified); amending 1989 1st ex.s. c 12 s 605 (uncodified); amending 1989 1st ex.s. c 12 s 729 (uncodified); amending 1989 1st ex.s. c 12 s 733 (uncodified); amending

1989 1st ex.s. c 12 s 739 (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex.s.; making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. H. Sommers moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1427 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives H. Sommers, Rasmussen and Schmidt as conferees on Engrossed Substitute House Bill No. 1427.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 9:30 a.m., Friday, April 26, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 26, 1991

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Anderson, Betrozoff, Ferguson, G. Fisher, R. Fisher, Grant, Haugen, Heavey, Lisk, Locke, Nealey, Phillips, H. Sommers, Sprenkle and Zellinsky. On motion of Ms. Cole, Representatives Anderson, R. Fisher, Grant, Locke, Phillips and Zellinsky were excused. On motion of Mr. Mielke, Representatives Betrozoff, Ferguson, Lisk and Nealey were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Smelcer and Stefanie Baer. Prayer was offered by The Reverend Gerald Stanley, Minister of St. Edward's Church of Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1201. The President has appointed the following members as Conferees: Senators Roach, Madsen and Oke.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SENATE BILL NO. 5049. The President has appointed the following members as Conferees: Senators Patterson, McMullen and Oke, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SENATE BILL NO. 5147. The President has appointed the following members as

Conferees: Senators Nelson, Talmadge and Erwin, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SECOND SUBSTITUTE SENATE BILL NO. 5167. The President has appointed the following members as Conferees: Senators Nelson, A. Smith and Thorsness, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 25, 1991

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5613, on page 8, line 12, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

MESSAGE FROM THE SENATE

April 24, 1991

Mr. Speaker:

The Senate refuses to grant the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960, insists on its position regarding the Senate amendments, and once again asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1960. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1960 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1960 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 5, Excused - 10.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole,

Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Forner, Franklin, Fraser, Fuhrman, Hargrove, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, and Mr. Speaker - 83.

Absent: Representatives Fisher, G., Haugen, Heavey, Sommers, H., Sprenkle - 5.

Excused: Representatives Anderson, Betrozoff, Ferguson, Fisher, R., Grant, Lisk, Locke, Nealey, Phillips, Zellinsky - 10.

Engrossed Substitute House Bill No. 1960 as amended by the Senate, having received the constitutional majority, was declared passed.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

Representatives Anderson, Betrozoff, Ferguson, G. Fisher, R. Fisher, Grant Haugen, Heavey, Lisk, Locke, Phillips, Sprenkle and Zellinsky appeared at the bar of the House.

MOTION

On motion of Ms. Cole, Representative H. Sommers was excused.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4688, by Representatives Fraser and Belcher

WHEREAS, The community of Woodland had a post office of the same name near Olympia in 1889; and

WHEREAS, The community post office was required to change its name, thereby leading to the naming of the community and post office as Lacey on June 29, 1891; and

WHEREAS, Local enterprises and residents could always depend upon the outstanding service of the Lacey Post Office; and

WHEREAS, Various locations of the Lacey Post Office, including the Woodland Hotel, Lacey train depot, Foy Store, and Turner Store, provided a social center for the thriving Lacey community; and

WHEREAS, The promise for excellent service has always been upheld by the Lacey Post Office, providing a valuable link for community residents with the outside world;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives declare June 23 through 30, 1991, as Lacey Post Office Recognition Week in honor of the post office's centennial celebration; and

BE IT FURTHER RESOLVED, That the House of Representatives call upon the residents of Lacey to undertake special activities on June 29, 1991, to commemorate the important anniversary of the establishment of the Lacey Post Office; and

BE IT FURTHER RESOLVED, That the House of Representatives congratulate all past and present servants of the Lacey Post Office for their dedication, professionalism, and attention to quality in serving the residents and surrounding neighbors of Lacey for one century.

Ms. Fraser moved adoption of the resolution. Representatives Fraser and Belcher spoke in favor of the resolution.

House Resolution No. 91-4688 was adopted.

HOUSE RESOLUTION NO. 91-4680, by Representatives R. King, Scott, Haugen and Wilson

WHEREAS, Positive environmental action and ecological themes are a wonderful way for young people to learn science and responsibility; and

WHEREAS, Evergreen Middle School in Everett has joined schools in the Soviet Union, Europe, and North America in a field test of an International Environmental Guide for students and teachers; and

WHEREAS, This field test has brought together in a local partnership the Evergreen Middle School, Cascade High School, Snohomish Conservation District, Everett Parks Department, and various representatives of the private sector; and

WHEREAS, The students have focused on water quality issues, especially issues pertinent to our region such as damage to local streams and wetlands and their dependent life forms; and

WHEREAS, Students, in cooperation with Snohomish Conservation District and Cascade High School, have created a native plant nursery; and

WHEREAS, Native plants are scarce and the Native Plant Nursery produces material that is used for stream restoration projects; and

WHEREAS, Students have completed two restoration projects and have identified many other streams and wetlands in the Everett area that need restoration; and

WHEREAS, The Native Plant Nursery serves as an example of the myriad relationships and dependencies that exist among plants and animals, people and the rest of nature; and

WHEREAS, Native Plant Project raises needed plants, encourages students to act as guardians of streams and wetlands, involves students directly and actively with their community, and develops a model for other schools in the community and state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the contributions of the various schools and groups in the Everett area involved in the international environmental project; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to

the various participants in the International Environmental Guide and Native Plant Project.

Mr. R. King moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4680 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

April 15, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 2.08.061 and 1989 c 328 s 2 are each amended to read as follows:

There shall be in the county of King no more than ~~((forty-six))~~ fifty-eight judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce nineteen judges of the superior court. The King county legislative authority may phase in the additional twelve judges, as authorized by the 1991 amendments to this section, over a period of time not to extend beyond July 1, 1995.

Sec. 2. RCW 2.08.062 and 1990 c 186 s 1 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, three judges of the superior court; in the county of Clark six judges of the superior court; in the county of Grays Harbor ~~((two))~~ three judges of the superior court; in the county of Kitsap seven judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

Sec. 3. RCW 2.08.063 and 1988 c 66 s 1 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, ~~((two))~~ three judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima six judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, three judges of the superior court.

Sec. 4. RCW 2.08.064 and 1989 c 328 s 3 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, five judges of the superior court; in the county of Clallam, two judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, ~~((eleven))~~ thirteen judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, three judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Sec. 5. RCW 2.08.065 and 1990 c 186 s 2 are each amended to read as follows:

There shall be in the county of Grant, two judges of the superior court; in the county of Okanogan, one judge of the superior court; in the county of Mason, ~~((one))~~ two judges of the superior court; in the county of Thurston, six judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Ferry, Pend Oreille, and Stevens jointly, two judges of the superior court; and in the counties of San Juan and Island jointly, two judges of the superior court.

Sec. 6. RCW 2.32.180 and 1990 c 186 s 3 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five

thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by ~~((him))~~ such judge who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, ~~((or))~~ the additional superior court judges authorized by sections 1 and 2, chapter 186, Laws of 1990, or the additional superior court judges authorized by sections 1 through 5 of this 1991 act. Appointment of a stenographic reporter is not required for any additional superior court judge authorized after July 1, 1991. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each class AA county shall be made by the majority vote of the judges in said county acting en banc; the appointments in class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

NEW SECTION. Sec. 7. Section 2 of this act shall take effect January 1, 1992. Section 4 of this act shall take effect July 1, 1992. Sections 1, 3, and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 8. The additional judicial positions created by sections 1, 2, 3, 4, and 5 of this act shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 2.08.061, 2.08.062, 2.08.063, 2.08.064, 2.08.065, and 2.32.180; creating new sections; providing effective dates; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House do concur in the Senate amendments to Engrossed Substitute House bill No. 1127.

Mr. Appelwick spoke in favor of the motion, and Mr. Padden spoke against it. Mr. Appelwick again spoke in favor of the motion, and Mr. Padden spoke in favor of it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1127 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1127 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynné, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Nealey, Sommers, H. - 02.

Engrossed Substitute House Bill No. 1127 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028 with the following amendments:

Strike everything after the enacting clause and insert the following:

"I.

PUBLIC POLICY, FINDINGS, AND INTENT"

NEW SECTION. Sec. 101. The legislature finds that ambient air pollution is the most serious environmental threat in Washington state. Air pollution causes significant harm to human health; damages the environment, including trees, crops, and animals; causes deterioration of equipment and materials; contributes to water pollution; and degrades the quality of life.

Over three million residents of Washington state live where air pollution levels are considered unhealthful. Of all toxic chemicals released into the environment more than half enter our breathing air. Citizens of Washington state spend hundreds of millions of dollars annually to offset health, environmental, and material damage caused by air pollution. The legislature considers such air pollution levels, costs, and damages to be unacceptable.

It is the intent of this act that the implementation of programs and regulations to control air pollution shall be the primary responsibility of the department of ecology and local air pollution control authorities.

Sec. 102. RCW 70.94.011 and 1973 1st ex.s. c 193 s 1 are each amended to read as follows:

It is declared to be the public policy ((of the state)) to preserve, protect, and enhance the air quality for current and future generations. Air is an essential resource that must be protected from harmful levels of pollution. Improving air quality is a matter of state-wide concern and is in the public interest. It is the intent of this chapter to secure and maintain ((such)) levels of air quality ((as will)) that protect human health and safety ((and)), including the most sensitive members of the population, to comply with the requirements of the federal clean air act, ((and,)) to ((the greatest degree practicable,)) prevent injury to plant ((and)), animal life, and property, to foster the comfort and convenience of ((its)) Washington's inhabitants, to promote the economic and social development of the state, and to facilitate the enjoyment of the natural attractions of the state. ((The problems and effects of air pollution are frequently regional and interjurisdictional in nature, and are dependent upon the existence of urbanization and industrialization in areas having common topography and recurring weather conditions conducive to the buildup of air contaminants))

It is further the intent of this chapter to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values, and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

Because of the extent of the air pollution problem the legislature finds it necessary to return areas with poor air quality to levels adequate to protect health and the environment as expeditiously as possible but no later than December 31, 1995. Further, it is the intent of this chapter to prevent any areas of the state with acceptable air quality from reaching air contaminant levels that are not protective of human health and the environment.

The legislature recognizes that air pollution control projects may affect other environmental media. In selecting air pollution control strategies state and local agencies

shall support those strategies that lessen the negative environmental impact of the project on all environmental media, including air, water, and land.

The legislature further recognizes that energy efficiency and energy conservation can help to reduce air pollution and shall therefore be considered when making decisions on air pollution control strategies and projects.

It is the policy of the state that the costs of protecting the air resource and operating state and local air pollution control programs shall be shared as equitably as possible among all sources whose emissions cause air pollution.

It is also declared as public policy that regional air pollution control programs are to be encouraged and supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality.

~~((It is also declared to be the public policy of the state to provide for the people of the populous metropolitan regions in the state the means of obtaining air pollution control not adequately provided by existing agencies of local government. For reasons of the present and potential dramatic growth in population, urbanization, and industrialization, the special problem of air resource management, encompassing both corrective and preventive measures for the control of air pollution cannot be adequately met by the individual towns, cities, and counties of many metropolitan regions.~~

~~In addition, the state is divided into two major areas, each having unique characteristics as to natural climatic and topographic features which may result in the different potentials for the accumulation and buildup of air contaminant concentrations. These two major areas are the area lying west of the Cascade Mountain crest and the area lying east of the Cascade Mountain crest. Within each of these major areas are regions which, because of the climate and topography and present and potential urbanization and industrial development may, through definitive evaluation be classed as regional air pollution areas.))~~

To these ends it is the purpose of this chapter to ~~((provide for a))~~ safeguard the public interest through an intensive, progressive, and coordinated state-wide program of air pollution prevention and control, to provide for an appropriate distribution of responsibilities, and to encourage coordination and cooperation between the state, regional, and local units of government, ((and for cooperation across jurisdictional lines in dealing with problems of air pollution)) to improve cooperation between state and federal government, public and private organizations, and the concerned individual, as well as to provide for the use of all known, available, and reasonable methods to reduce, prevent, and control air pollution.

The legislature recognizes that the problems and effects of air pollution cross political boundaries, are frequently regional or interjurisdictional in nature, and are dependent upon the existence of human activity in areas having common topography and weather conditions conducive to the buildup of air contaminants. In addition, the legislature recognizes that air pollution levels are aggravated and compounded by increased population, and its consequences. These changes often result in increasingly serious problems for the public and the environment.

The legislature further recognizes that air emissions from thousands of small individual sources are major contributors to air pollution in many regions of the state. As the population of a region grows, small sources may contribute an increasing proportion of that region's total air emissions. It is declared to be the policy of the state to achieve significant reductions in emissions from those small sources whose aggregate emissions constitute a significant contribution to air pollution in a particular region.

It is the intent of the legislature that air pollution goals be incorporated in the missions and actions of state agencies.

Sec. 103. RCW 70.94.030 and 1987 c 109 s 33 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW.

~~(3) ("Person" means and includes an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency))~~ "Air quality standard" means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple contaminants in the ambient air which shall not be exceeded.

~~(4) "Ambient air" means the surrounding outside air.~~

~~(5) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.~~

~~((5)) (6) "Board" means the board of directors of an authority.~~

~~((6)) (7) "Control officer" means the air pollution control officer of any authority.~~

~~((7)) (8) "Department" means the department of ecology.~~

~~(9) "Emission" means a release of air contaminants into the ((outdoor atmosphere of air contaminants)) ambient air.~~

~~((8) "Department" means the state department of ecology.~~

~~(9) "Ambient air" means the surrounding outside air.))~~

~~(10) "Emission standard" means a limitation on the release of an air contaminant or multiple contaminants into the ambient air.~~

~~(11) "Multicounty authority" means an authority which consists of two or more counties.~~

~~((11) "Emission standard" means a limitation on the release of a contaminant or multiple contaminants into the ambient air.~~

~~(12) "Air quality standard" means an established concentration, exposure time and frequency of occurrence of a contaminant or multiple contaminants in the ambient air which shall not be exceeded.~~

~~(13) "Air quality objective" means the concentration and exposure time of a contaminant or multiple contaminants in the ambient air below which undesirable effects will not occur.))~~

~~(12) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.~~

~~(13) "Silvicultural burning" means burning of wood fiber on forest land consistent with the provisions of RCW 70.94.660.~~

"II.

MOTOR VEHICLES AND FUELS"

Sec. 201. RCW 70.120.010 and 1979 ex.s. c 163 s 1 are each amended to read as follows:

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

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology.

(3) "Fleet" means ((a group of twenty five or more motor vehicles owned or leased concurrently by one person)) a group of fifteen or more motor vehicles registered in the same name and whose owner has been assigned a fleet identifier code by the department of licensing.

(4) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

(5) "Motor vehicle dealer" means a motor vehicle dealer, as defined in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

(6) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

(7) The terms "air contaminant," "air pollution," "air quality standard," "ambient air," "emission," and "emission standard" have the meanings given them in RCW 70.94.030.

Sec. 202. RCW 70.120.020 and 1989 c 240 s 5 are each amended to read as follows:

(1) The department shall conduct ~~((the following programs in a manner that will enhance the successful implementation of the air pollution control system established for motor vehicles by this chapter:~~

~~(a) A voluntary motor vehicle emissions inspection program;~~

~~(b)) a public educational program regarding the health effects of air pollution emitted by motor vehicles; the purpose, operation, and effect of emission control devices and systems; and the effect that proper maintenance of motor vehicle engines has on fuel economy and air pollution emission((; and~~

~~(c)) and a public notification program identifying the geographic areas of the state that are designated as being noncompliance areas and emission contributing areas and describing the requirements imposed under this chapter for those areas.~~

(2)(a) The department ~~((, the superintendent of public instruction, and the state board for community college education shall develop cooperatively, after consultation with automotive trades joint apprenticeship committees approved in accordance with RCW 49.04.040, a program for granting)) shall grant certificates of instruction to persons who successfully complete a course of study, under general requirements established by the director, in the maintenance of motor vehicle engines, the use of engine and exhaust analysis equipment, and the repair and maintenance of emission control devices. The director may establish and implement procedures for granting certification to persons who successfully complete other training programs or who have received certification from public and private organizations which meet the requirements established in this subsection, including programs on clean fuel technology and maintenance.~~

(b) The department shall make available to the public a list of those persons who have received certificates of instruction under subsection (2)(a) of this section.

Sec. 203. RCW 70.120.070 and 1989 c 240 c 6 are each amended to read as follows:

(1) Any person:

(a) Whose motor vehicle is tested pursuant to this chapter and fails to comply with the emission standards established for the vehicle; and

(b) Who, following such a test, expends more than ~~((fifty))~~ one hundred dollars on a 1980 or earlier model year motor vehicle or expends more than one hundred fifty dollars on a 1981 or later model year motor vehicle for repairs solely devoted to meeting the emission standards and that are performed by a certified emission specialist authorized by RCW 70.120.020(2)(a); and

(c) Whose vehicle fails a retest, may be issued a certificate of acceptance if (i) the vehicle has been in use for more than five years or fifty thousand miles, and (ii) any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.

~~((d))~~ To receive the certificate, the person must document compliance with (b) and (c) of this subsection to the satisfaction of the department.

Should any provision of (b) of this subsection be disapproved by the administrator of the United States environmental protection agency, all vehicles shall be required to expend at least four hundred fifty dollars to qualify for a certificate of acceptance.

(2) Persons who fail the initial tests shall be provided with information regarding the availability of federal warranties and certified emission specialists.

NEW SECTION. Sec. 204. (1) A task force is established for the purposes of recommending a program to assist persons with vehicles failing to comply with emission standards under RCW 70.120.120. The task force shall be appointed by the speaker of house of representatives and the president of the senate and shall consist of:

(a) Two members from the house committee on environmental affairs;

(b) Two members from the senate committee on environment and natural resources; and

(c) Two members from the legislative committee on transportation.

(2) In developing recommendations, the task force shall consult with representatives from the departments of ecology, licensing, social and health services, and revenue, the Washington state patrol, vehicle dealers and manufacturers, automobile associations, auto wreckers, and advocates for low-income persons and senior citizens.

(3) By November 1, 1991, the task force shall report to the appropriate standing committees of the legislature. The report shall recommend methods to:

(a) Use public and private funds to provide credit toward purchasing vehicles ten years or older from persons with vehicles not meeting the emission standards under RCW 70.120.120 for the purpose of permanently removing such vehicles from the road;

(b) Identify persons needing assistance with the provisions of RCW 70.120.120. In identifying such persons, the task force shall give first consideration to persons with an income of less than one hundred fifty percent of the federal poverty level;

(c) Prevent fraud or abuse of the program developed under this section; and

(d) Share the cost of the program with new and used car dealers licensed under chapter 46.70 RCW.

In the event that the task force determines a program to provide credit toward the purchase of older, polluting vehicles, as described under (a) of this subsection, does not provide an adequate benefit to low-income persons, the task force shall include recommendations to provide public funds for the repair of such vehicles.

Sec. 205. RCW 70.120.080 and 1979 ex.s. c 163 s 8 are each amended to read as follows:

The director may authorize an owner or lessee of a fleet of motor vehicles, or the owner's or lessee's agent, to inspect the vehicles in the fleet and issue certificates of compliance for the vehicles in the fleet if the director determines that: (1) The director's ~~((emission and))~~ inspection ~~((standards))~~ procedures will be complied with; and (2) certificates will be issued only to vehicles in the fleet that meet emission and equipment standards adopted under RCW 70.120.150 and only when appropriate.

In addition, the director may authorize an owner or lessee of one or more diesel motor vehicles with a gross vehicle weight rating in excess of eight thousand five hundred pounds, or the owner's or lessee's agent, to inspect the vehicles and issue certificates of compliance for the vehicles. The inspections shall be conducted in compliance with inspection procedures adopted by the department and certificates of compliance shall only be issued to vehicles that meet emission and equipment standards adopted under RCW 70.120.150.

The director shall establish by rule the fee for fleet or diesel inspections provided for in this section. The fee shall be set at an amount necessary to offset the department's cost to administer the fleet and diesel inspection program authorized by this section.

Owners, leaseholders, or their agents conducting inspections under this section shall pay only the fee established in this section and not be subject to fees under RCW 70.120.170(4).

Sec. 206. RCW 70.120.120 and 1989 c 240 s 8 are each amended to read as follows:

The director shall adopt rules implementing and enforcing this chapter ~~((and RCW 46.16.015(2)(g)))~~ in accordance with chapter 34.05 RCW. ~~((Notwithstanding the provisions of chapter 34.05 RCW, any rule implementing and enforcing RCW 70.120.150(5) may not be adopted until it has been submitted to the standing committees on ecology of the house of representatives and senate for review and approval.))~~ The ~~((standing committees))~~ department shall take into account when considering proposed modifications of emission contributing boundaries, as provided for in RCW 70.120.150~~((5))~~ (6), alternative ~~((plans for traffic rerouting and traffic bans))~~ transportation control and motor vehicle emission reduction measures that ~~((may have been prepared))~~ are required by local municipal corporations for the purpose of satisfying federal emission guidelines.

Sec. 207. RCW 70.120.150 and 1989 c 240 s 2 are each amended to read as follows:

The director:

(1) Shall adopt motor vehicle emission and equipment standards to: Ensure that no less than seventy percent of the vehicles tested comply with the standards on the first inspection conducted, meet federal clean air act requirements, and protect human health and the environment.

(2) Shall adopt rules implementing the smoke opacity testing requirement for diesel vehicles that ensure that such test is objective and repeatable and that properly maintained engines that otherwise would meet the applicable federal emission standards, as measured by the new engine certification test, would not fail the smoke opacity test.

(3) Shall designate a geographic area as being a "noncompliance area" for motor vehicle emissions if (a) the department's analysis of ~~((the))~~ emission and ambient air quality data, ~~((recorded for))~~ covering a period of no less than one year, ~~((at the monitoring sites))~~ indicates that the standard has or will probably be exceeded, and (b) the department determines that the primary source of the air contaminant ~~((being monitored at the sites))~~ is motor vehicle emissions.

~~((3))~~ (4) Shall reevaluate noncompliance areas if the United States environmental protection agency modifies the relevant air quality standards, and shall discontinue the program if compliance is indicated and if the department determines that the area would continue to be in compliance after the program is discontinued. The director shall notify persons residing in noncompliance areas of the reevaluation.

~~((4))~~ (5) Shall analyze information regarding the motor vehicle traffic in a noncompliance area to determine the smallest land area within whose boundaries are present registered motor vehicles that contribute significantly to the violation of motor vehicle-related air quality standards in the noncompliance area. The director shall declare the area to be an "emission contributing area." An emission contributing area established for a carbon monoxide or oxides of nitrogen noncompliance area must contain the noncompliance area within its boundaries. An emission contributing area established for an ozone noncompliance area located in this state need not contain the ozone noncompliance area within its boundaries if it can be proven that vehicles registered in the area contribute significantly to violations of the ozone air quality standard in the noncompliance area. An emission contributing area may be established in this state for violations of federal air quality standards for ozone in an adjacent state if (a) the United States environmental protection agency designates an area to be a "nonattainment area for ozone" under the provisions of the federal Clean Air Act (42 U.S.C. 7401 et. seq.), and (b) ~~((the nonattainment area encompasses portions of both Washington and the adjacent state, and (c)))~~ it can be proven that vehicles registered in this state contribute significantly to the violation of the federal air quality standards for ozone in the adjacent state's ~~((portion of the))~~ nonattainment area.

~~((5))~~ (6) Shall, after consultation with the appropriate local government entities, designate areas as being noncompliance areas or emission contributing areas, and shall establish the boundaries of such areas by rule. The director may also modify boundaries. In establishing the external boundaries of an emission contributing area, the director shall use the boundaries established for ZIP code service areas by the United States postal service.

~~((6))~~ (7) May make grants to units of government in support of planning efforts to reduce motor vehicle emissions ~~((in areas where emission control inspections are not required))~~.

Sec. 208. RCW 70.120.170 and 1989 c 240 s 4 are each amended to read as follows:

(1) The department shall administer a system for ~~((biennial))~~ emission inspections ~~((of emissions))~~ of all motor vehicles registered within the boundaries of each emission contributing area. ~~((Persons residing within the boundaries of an emission contributing area shall register their motor vehicle within that area, unless business reasons require registration outside the area. Requests for exemption from inspection for business reasons shall be reviewed and approved by the director))~~ Under such system a motor vehicle shall be inspected biennially except where an annual program would be required to meet federal law and prevent federal sanctions. In addition, motor vehicles shall be inspected at each change of registered owner of a licensed vehicle.

(2) The director shall:

(a) Adopt procedures for conducting emission ~~((tests for))~~ inspections of motor vehicles. The ~~((tests shall))~~ inspections may include idle and high revolution per minute emission tests. The emission test for diesel vehicles shall consist solely of a smoke opacity test.

(b) Adopt criteria for calibrating emission testing equipment. Electronic equipment used to test for emissions standards provided for in this chapter shall be properly calibrated. The department shall examine frequently the calibration of the emission testing equipment used at the stations.

(c) Authorize, through contracts, the establishment and operation of inspection stations for conducting ~~((the))~~ vehicle emission ~~((tests))~~ inspections authorized in this chapter. No person contracted to inspect motor vehicles may perform for compensation repairs on any vehicles. No public body may establish or operate contracted inspection stations. Any contracts must be let in accordance with the procedures established for competitive bids in chapter 43.19 RCW.

(3) Subsection (2)(c) of this section does not apply to volunteer motor vehicle inspections under RCW 70.120.020(1)~~((a))~~ if the inspections are conducted for the following purposes:

(a) Auditing;

(b) Contractor evaluation;

(c) Collection of data for establishing calibration and performance standards; or

(d) Public information and education.

(4)(a) The director shall establish by rule the fee to be charged for emission inspections. The inspection fee shall be a standard fee applicable state-wide or throughout an emission contributing area and shall be no greater than eighteen dollars. Surplus moneys collected from fees over the amount due the contractor shall be paid to the state and deposited in the general fund. Fees shall be set at the minimum whole dollar amount required to (i) compensate the contractor or inspection facility owner, and (ii) offset the general fund appropriation to the department to cover the administrative costs of the motor vehicle emission inspection program.

(b) Before each inspection, a person whose motor vehicle is to be inspected shall pay to the inspection station the fee established under this section. The person whose motor vehicle is inspected shall receive the results of the inspection ~~((test))~~. If the

inspected (~~(vehicle's emissions comply)~~) vehicle complies with the standards established by the director, the person shall receive a dated certificate of compliance. If the inspected (~~(vehicle's emissions do)~~) vehicle does not comply with those standards, one (~~(retest of the vehicle's emission)~~) reinspection of the vehicle shall be afforded without charge.

(5) All units of local government and agencies of the state with motor vehicles garaged or regularly operated in an emissions contributing area shall test the emissions of those vehicles (~~(biennially)~~) annually to ensure that the vehicle's emissions comply with the emission standards established by the director. All state agencies outside of emission contributing areas with more than twenty motor vehicles housed at a single facility or contiguous facilities shall test the emissions of those vehicles annually to ensure that the vehicles' emissions comply with standards established by the director. A report of the results of the tests shall be submitted to the department.

Sec. 209. RCW 46.16.015 and 1990 c 42 s 318 are each amended to read as follows:

(1) Neither the department of licensing nor its agents may issue or renew a motor vehicle license for any vehicle (~~(registered in an emission contributing area, as that area is established under chapter 70.120 RCW)~~) or change the registered owner of a licensed vehicle, for any (~~(year in which the)~~) vehicle that is required to be (~~(tested)~~) inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued pursuant to chapter 70.120 RCW; or (b) exempted from this requirement pursuant to subsection (2) of this section. The certificates must have a date of validation which is within (~~(ninety days)~~) six months of the date of application for the vehicle license or license renewal. Certificates for fleet or owner tested diesel vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

(2) Subsection (1) of this section does not apply to the following vehicles:

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled (~~(exclusively)~~) by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

(f) (~~(Motor vehicles powered by diesel engines;~~

~~(g))~~) Farm vehicles as defined in RCW 46.04.181;

(~~(h))~~) (g) Used vehicles which are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW; or

(~~(i))~~) (h) Motor vehicles exempted by the director of the department of ecology.

The provisions of subparagraph (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.

(3) (~~(The department of licensing shall mail to each owner of a vehicle registered within an emission contributing area a notice regarding the boundaries of the area and restrictions established under this section that apply to vehicles registered in such areas. The information for the notice shall be supplied to the department of licensing by the department of ecology.)~~) The department of ecology shall provide information to motor vehicle owners regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas. In addition the department of ecology shall provide information to motor vehicle owners on the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle related air pollution. The department of licensing

shall send to all registered motor vehicle owners (~~who reside within the emissions area~~) affected by the emission testing program notice that they must have an emission test to renew their registration.

NEW SECTION. Sec. 210. A new section is added to chapter 70.120 RCW to read as follows:

(1) Motor vehicle dealers selling a used vehicle not under a new vehicle warranty shall include a notice in each vehicle purchase order form that reads as follows: "The owner of a vehicle may be required to spend up to [a dollar amount established under section 203 of this act] for repairs if the vehicle does not meet the vehicle emission standards under this chapter. Unless expressly warranted by the motor vehicle dealer, the dealer is not warranting that this vehicle will pass any emission tests required by federal or state law."

(2) The signature of the purchaser on the notice required under subsection (1) of this section shall constitute a valid disclaimer of any implied warranty by the dealer as to a vehicle's compliance with any emission standards.

(3) The disclosure requirement of subsection (1) of this section applies to all motor vehicle dealers located in counties where state emission inspections are required.

NEW SECTION. Sec. 211. A new section is added to chapter 70.120 RCW to read as follows:

Engine manufacturers shall certify that new engines conform with current exhaust emission standards of the federal environmental protection agency.

NEW SECTION. Sec. 212. A new section is added to chapter 70.120 RCW to read as follows:

By July 1, 1992, the department shall develop, in cooperation with the departments of general administration and transportation, and the state energy office, aggressive clean-fuel performance and clean-fuel vehicle emissions specifications including clean-fuel vehicle conversion equipment. To the extent possible, such specifications shall be equivalent for all fuel types. In developing such specifications the department shall consider the requirements of the clean air act and the findings of the environmental protection agency, other states, the American petroleum institute, the gas research institute, and the motor vehicles manufacturers association.

NEW SECTION. Sec. 213. A new section is added to chapter 43.19 RCW to read as follows:

(1) At least thirty percent of all new vehicles purchased through a state contract shall be clean-fuel vehicles.

(2) The percentage of clean-fuel vehicles purchased through a state contract shall increase at the rate of five percent each year.

(3) In meeting the procurement requirement established in this section, preference shall be given to vehicles designed to operate exclusively on clean fuels. In the event that vehicles designed to operate exclusively on clean fuels are not available or would not meet the operational requirements for which a vehicle is to be procured, conventionally powered vehicles may be converted to clean fuel or dual fuel use to meet the requirements of this section.

(4) Fuel purchased through a state contract shall be a clean fuel when the fuel is purchased for the operation of a clean-fuel vehicle.

(5)(a) Weight classes are established by the following motor vehicle types:

(i) Passenger cars;

(ii) Light duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of less than eight thousand five hundred pounds;

(iii) Heavy duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of eight thousand five hundred pounds or more.

(b) This subsection does not place an obligation upon the state or its political subdivisions to purchase vehicles in any number or weight class other than to meet the percent procurement requirement.

(6) For the purposes of this section, "clean fuels" and "clean-fuel vehicles" shall be those fuels and vehicles meeting the specifications provided for in section 212 of this act.

NEW SECTION. Sec. 214. (1) The state energy office shall convene a school bus compressed natural gas fuel advisory committee. The committee shall be chaired by the director of the state energy office or a designee and the following shall be invited to be members:

(a) The superintendent of public instruction or a designee; (b) the director of the department of ecology or a designee; (c) two members of the house of representatives, one from each caucus, appointed by the speaker of the house;

(d) Two members of the senate, one from each caucus, appointed by the president of the senate;

(e) Two members representing school districts appointed by the director of the state energy office; and

(f) One member representing a natural gas local distribution company.

(2) The state energy office shall, with the guidance of the advisory committee, analyze and report on the potential benefits, costs, and safety risks associated with increasing the use of compressed natural gas as fuel for school buses. The report shall address:

(a) The anticipated operation and maintenance costs of compressed natural gas school buses in comparison to diesel fuel and gasoline school buses;

(b) Factors affecting the safety of passengers, drivers, mechanics, and other persons using compressed natural gas school buses in comparison to diesel fuel and gasoline school buses;

(c) Capital costs, including:

(i) The availability and capital cost of retrofitting diesel and gasoline school buses;

(ii) The feasibility and capital cost of retrofitting diesel and gasoline school buses;

and

(iii) Capital costs associated with fuel storage and refueling; and

(d) Other considerations, including air quality benefits, needed to determine the total costs, problems, and benefits of increasing the use of compressed natural gas as a fuel for school buses. The report shall also evaluate all of the preceding factors as they relate to the use of propane as a fuel for school buses.

(3) The state energy office shall submit a report to the appropriations and environmental affairs committees of the house of representatives and the ways and means and environment and natural resources committees of the senate by December 1, 1991. The school bus compressed natural gas fuel advisory committee shall be disbanded when the report is submitted.

NEW SECTION. Sec. 215. A new section is added to chapter 70.120 RCW to read as follows:

The department, in cooperation with the departments of general administration and transportation, the utilities and transportation commission, and the state energy office, shall biennially prepare a report to the legislature starting July 1, 1992, on:

(1) Progress of clean fuel and clean-fuel vehicle programs in reducing automotive emissions;

(2) Recommendations for enhancing clean-fuel distribution systems;

(3) Efforts of the state, units of local government, and the private sector to evaluate and utilize "clean fuel" or "clean-fuel vehicles"; and

(4) Recommendations for changes in the existing program to make it more effective and, if warranted, for expansion of the program.

NEW SECTION. Sec. 216. A new section is added to chapter 80.28 RCW to read as follows:

The legislature finds that compressed natural gas offers significant potential to reduce vehicle emissions and to significantly decrease dependence on petroleum-based fuels. The legislature also finds that well-developed and convenient refueling systems are imperative if compressed natural gas is to be widely used by the public. The legislature declares that the development of compressed natural gas refueling stations are in the public interest. Nothing in this section and section 217 of this act is intended to alter the regulatory practices of the commission or allow the subsidization of one ratepayer class by another.

NEW SECTION. Sec. 217. A new section is added to chapter 80.28 RCW to read as follows:

The commission shall identify barriers to the development of refueling stations for vehicles operating on compressed natural gas, and shall develop policies to remove such barriers. In developing such policies, the commission shall consider providing rate incentives to encourage natural gas companies to invest in the infrastructure required by such refueling stations.

NEW SECTION. Sec. 218. A new section is added to chapter 70.94 RCW to read as follows:

The department may disburse matching grants from funds provided by the legislature from the air pollution control account, created in section 228 of this act, to units of local government to partially offset the additional cost of purchasing "clean fuel" and/or operating "clean-fuel vehicles" provided that such vehicles are used for public transit. Publicly owned school buses are considered public transit for the purposes of this section. The department may also disburse grants to vocational-technical institutes for the purpose of establishing programs to certify clean-fuel vehicle mechanics. The department may also distribute grants to the state energy office for the purpose of furthering the establishment of clean fuel refueling infrastructure.

NEW SECTION. Sec. 219. A new section is added to chapter 70.94 RCW to read as follows:

In areas subject to a state implementation plan, no state agency, metropolitan planning organization, or local government shall approve or fund a transportation plan, program, or project within or that affects a nonattainment area unless a determination has been made that the plan, program, or project conforms with the state implementation plan for air quality as required by the federal clean air act.

Conformity determination shall be made by the state or local government or metropolitan planning organization administering or developing the plan, program, or project.

No later than eighteen months after the effective date of this section, the director of the department of ecology and the secretary of transportation, in consultation with other state, regional, and local agencies as appropriate, shall adopt by rule criteria and guidance for demonstrating and assuring conformity of plans, programs, and projects that are wholly or partially federally funded.

A project with a scope that is limited to preservation or maintenance, or both, shall be exempted from a conformity determination requirement.

Sec. 220. RCW 82.44.020 and 1990 c 42 s 302 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise tax shall be two percent of the value of such vehicle.

(2) An additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual

amount of such additional excise shall be two-tenths of one percent of the value of such vehicle.

(3) Effective with October 1992 motor vehicle registration expirations, a clean air excise tax is imposed in addition to any other tax imposed by this section for the privilege of using in the state any motor vehicle as defined in RCW 82.44.010, except that farm vehicles as defined in RCW 46.04.181 shall not be subject to the tax imposed by this subsection. The annual amount of the additional excise tax shall be two dollars and twenty-five cents. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be two dollars.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

~~((4))~~ (5) Washington residents, as defined in RCW 46.16.028, who license motor vehicles in another state or foreign country and avoid Washington motor vehicle excise taxes are liable for such unpaid excise taxes. The department of revenue may assess and collect the unpaid excise taxes under chapter 82.32 RCW, including the penalties and interest provided therein.

Sec. 221. RCW 82.44.110 and 1990 2nd ex.s. c 1 s 801 are each amended to read as follows:

The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licensing for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer.

(1) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(1) as follows:

~~((1))~~ (a) 1.60 percent into the motor vehicle fund to defray administrative and other expenses incurred by the department in the collection of the excise tax.

~~((2))~~ (b) 8.15 percent into the Puget Sound capital construction account in the motor vehicle fund.

~~((3))~~ (c) 4.07 percent into the Puget Sound ferry operations account in the motor vehicle fund.

~~((4))~~ (d) 8.83 percent into the general fund to be distributed under RCW 82.44.155.

~~((5))~~ (e) 4.75 percent into the municipal sales and use tax equalization account in the general fund created in RCW 82.14.210.

~~((6))~~ (f) 1.60 percent into the county sales and use tax equalization account in the general fund created in RCW 82.14.200.

~~((7))~~ (g) 62.6440 percent into the general fund through June 30, 1993, 57.6440 percent into the general fund beginning July 1, 1993, and 66 percent into the general fund beginning January 1, 1994.

~~((8))~~ (h) 5 percent into the transportation fund created in RCW 82.44.180 beginning July 1, 1993.

~~((9))~~ (i) 5.9686 percent into the county criminal justice assistance account created in RCW 82.14.310 through December 31, 1993.

~~((10))~~ (j) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.320 through December 31, 1993.

~~((11))~~ (k) 1.1937 percent into the municipal criminal justice assistance account for distribution under RCW 82.14.330 through December 31, 1993.

(2) The state treasurer shall deposit the excise taxes collected under RCW 82.44.020(2) into the transportation fund.

(3) The state treasurer shall deposit the excise tax imposed by RCW 82.44.020(3) into the air pollution control account created by section 228 of this act.

Sec. 222. RCW 82.44.150 and 1990 c 42 s 308 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes imposed by RCW 82.44.020 (1) and (2) remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(3) and 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a class AA county or within a class A county contiguous to a class AA county, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities

within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the transportation fund created in RCW 82.44.180, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 223. RCW 82.44.155 and 1990 c 42 s 309 are each amended to read as follows:

When distributions are made under RCW 82.44.150, the state treasurer shall apportion and distribute the motor vehicle excise taxes deposited into the general fund under RCW 82.44.110(4) to the cities and towns ratably on the basis of population as last determined by the office of financial management. When so apportioned, the amount

payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be used by the city or town for the purposes of police and fire protection and the preservation of the public health in the city or town, and not otherwise. If it is adjudged that revenue derived from the excise ~~((tax)) taxes~~ imposed by ~~((this chapter))~~ RCW 82.44.020 (1) and (2) cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

Sec. 224. RCW 82.44.180 and 1990 c 42 s 312 are each amended to read as follows:

(1) The transportation fund is created in the state treasury. Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the surcharge under RCW 82.50.510 shall be deposited into the fund as provided in those sections.

Moneys in the fund may be spent only after appropriation. Expenditures from the fund may be used only for transportation purposes.

(2) There is hereby created the central Puget Sound public transportation account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(b) shall be expended within the three county region from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in RCW 81.104.010;

(b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020; and

(c) Public transportation system contributions required to fund projects approved by the transportation improvement board.

(3) There is hereby created the public transportation systems account within the transportation fund. Moneys deposited into the account under RCW 82.44.150(2)(c) shall be available to the public transportation system from which the funds are derived, solely for:

(a) Development of high capacity transportation systems as defined in RCW 81.104.010;

(b) Development of high occupancy vehicle lanes and related facilities as defined in RCW 81.100.020;

(c) Other public transportation system-related roadway projects on state highways, county roads, or city streets; and

(d) Public transportation system contributions required to fund projects approved by the transportation improvement board.

Sec. 225. RCW 82.50.410 and 1990 c 42 s 321 are each amended to read as follows:

The rate and measure of tax imposed by ~~((this chapter))~~ RCW 82.50.400 for each registration year shall be one percent, and a surcharge of one-tenth of one percent, of the value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That the excise tax upon a travel trailer or camper licensed for the first time in this state after the last day of any registration month may only be levied for the remaining months of the registration year including the month in which the travel trailer or camper is first licensed: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars: PROVIDED FURTHER, That every dealer in mobile homes or travel trailers, for the privilege of using any mobile home or travel trailer eligible to be used under a dealer's license plate, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original dealer's license plate, and also a similar tax shall be collected upon the issuance of each dealer's duplicate license plate, which taxes shall be in addition to any tax otherwise payable under this chapter.

A travel trailer or camper shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year or

any part thereof immediately preceding the registration year in which application for license is made or when it has been registered in another jurisdiction subsequent to any prior registration in this state.

NEW SECTION. Sec. 226. A new section is added to chapter 82.50 RCW to read as follows:

Effective with October 1992 motor vehicle registration expirations, an additional annual clean air excise tax of two dollars and twenty-five cents is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. Effective with July 1994 motor vehicle registration expirations, the annual amount of additional excise tax shall be two dollars. The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a travel trailer or camper. Whenever an application is made to the department of licensing or its agents for a license for a travel trailer or camper there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter, and no license or license plates for a travel trailer or camper may be issued unless such tax is paid in full. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the registration year or fractional part thereof in which such transfer occurs. Receipts from the tax levied in this section shall be deposited in the air pollution control account created by section 228 of this act.

Sec. 227. RCW 82.50.510 and 1990 c 42 s 322 are each amended to read as follows:

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes (~~collected under this chapter~~) imposed by RCW 82.50.400. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: (1) For the one percent tax imposed under RCW 82.50.410, fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be deposited in the state general fund; and (2) for the one-tenth of one percent surcharge imposed under RCW 82.50.410, one hundred percent to the transportation fund created in RCW 82.44.180.

NEW SECTION. Sec. 228. (1) The air pollution control account is established in the state treasury. All receipts from RCW 70.94.650, 70.94.660, 82.44.020(3), and section 226 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to develop and implement the provisions of this act and chapters 70.94 and 70.120 RCW.

(2) The amounts collected and allocated in accordance with this section shall be expended upon appropriation except as otherwise provided in this section and in accordance with the following limitations:

Portions of moneys received by the department of ecology from the air pollution control account shall be distributed by the department to local authorities based on:

(a) The level and extent of air quality problems within such authority's jurisdiction;

(b) The costs associated with implementing air pollution regulatory programs by such authority; and

(c) The amount of funding available to such authority from other sources, whether state, federal, or local, that could be used to implement such programs.

(3) The air operating permit account is created in the custody of the state treasurer. All receipts paid to the department of revenue under section 301 of this act shall be deposited into the account. Expenditures from the account may be used only for the direct and indirect costs of implementing the air operating permit program under section

301 of this act. Only the director of the department of ecology or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for such expenditures.

NEW SECTION. Sec. 229. A new section is added to chapter 70.120 RCW to read as follows:

(1) It is the intent of the legislature that the state take advantage of the best emission control systems available on new motor vehicles. The department shall conduct a study to determine if requiring new vehicles sold in the state to meet California vehicle emission standards will provide a significant benefit to attainment of ambient air quality standards in this state. The department shall report the findings of its study and its recommendations to the appropriate standing committees of the legislature. The department shall not adopt the California vehicle emission standards unless authorized by the legislature.

(2) In the event that California vehicle emission standards are adopted, the department shall not include a program for in-use testing and recall of vehicles required to meet California emission standards.

NEW SECTION. Sec. 230. The department of ecology shall contract with Western Washington University for the biennium ending June 30, 1993, for research and development of alternative fuel and solar powered vehicles. A report on the progress of such research shall be presented to the standing environmental committees and the department by January 1, 1994.

NEW SECTION. Sec. 231. A new section is added to chapter 19.112 RCW to read as follows:

The directors of the departments of ecology and agriculture may grant a variance from ASTM motor fuel specifications if necessary to produce lower emission motor fuels.

"III.

INDUSTRIAL AND COMMERCIAL SOURCES"

NEW SECTION. Sec. 301. A new section is added to chapter 70.94 RCW to read as follows:

The department of ecology, or board of an authority, shall require renewable permits for the operation of air contaminant sources subject to the following conditions and limitations:

(1) Unless a different meaning is plainly required by the context, the following words and phrases shall have the following meanings:

(a) "Lowest achievable emission rate" (LAER) means for any source that rate of emissions which reflects:

(i) The most stringent emission limitation that is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(ii) The most stringent emission limitation that is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(b) "Best available control technology" (BACT) means technology that will result in an emission limitation, including a visible emission standard, based on the maximum degree of reduction for each air pollutant subject to this regulation that would be emitted from any proposed new or modified source that the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application

of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or, innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant that would exceed the emissions allowed by any applicable standard under 40 C.F.R. Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results. The term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(c) "Reasonably available control technology" (RACT) means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

(d) "Source" means all of the emissions units including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control, whose activities are ancillary to the production of a single product or functionally related group of products.

(e) "New source" means (i) the construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted, and (ii) any other project that constitutes a new source under the federal clean air act.

(f) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air contaminant.

(g) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(2) Permits shall be issued for a term of five years. A permit may be modified or amended during its term at the request of the permittee, or for any reason allowed by the federal clean air act. The rules adopted pursuant to subsection (3) of this section shall include rules for permit amendments and modifications.

(3)(a) Rules establishing the elements for a state-wide operating permit program and the process for permit application and renewal consistent with federal requirements shall be established by the department by January 1, 1993. The rules shall provide that every proposed permit must be reviewed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority. The permit program established by these rules shall be administered by the department and delegated local air authorities. Rules developed under this subsection shall not preclude a delegated local air authority from including in a permit its own more stringent emission standards and operating restrictions.

(b) The board of any local air pollution control authority may apply to the department of ecology for a delegation order authorizing the local authority to administer the operating permit program for sources under that authority's jurisdiction. The department shall, by order, approve such delegation, if the department finds that the local authority has the technical and financial resources, to discharge the responsibilities of a permitting authority under the federal clean air act. A delegation request shall include adequate information about the local authority's resources to enable the department to make the findings required by this subsection; provided, any delegation order issued under this subsection shall take effect ninety days after the environmental protection agency authorizes the local authority to issue operating permits under the federal clean air act.

(c) Except for the authority granted the energy facility site evaluation council to issue permits for the new construction, reconstruction, or enlargement or operation of new energy facilities under chapter 80.50 RCW, the department may exercise the authority, as delegated by the environmental protection agency, to administer Title IV of the federal clean air act as amended and to delegate such administration to local authorities as applicable pursuant to (b) of this subsection.

(4) "Best available control technology" (BACT) is required for new sources except where LAER is required.

Until July 1, 1993, "lowest achievable emission rate" (LAER) is required solely for those sources required by the federal clean air act. By December 1, 1992, the department shall recommend control technology requirements for new sources to the appropriate standing committees of the legislature.

Except as otherwise provided in RCW 70.94.331(9), "reasonably available control technology" (RACT) is required for existing sources.

In establishing technical standards, defined in subsection (2) of this section, the permitting authority shall consider and, if found to be appropriate, give credit for waste reduction within the process.

(5) Operating permits shall apply to all sources (a) where required by the federal clean air act, and (b) for any source that may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare. Subsection (b) of this subsection is not intended to apply to small businesses except when both of the following limitations are satisfied: (i) The source is in an area exceeding or threatening to exceed federal or state air quality standards; and (ii) the department provides a reasonable justification that requiring a source to have a permit is necessary to meet a federal or state air quality standard, or to prevent exceeding a standard in an area threatening to exceed the standard. For purposes of this subsection "areas threatening to exceed air quality standards" shall mean areas projected by the department to exceed such standards within five years. Prior to identifying threatened areas the department shall hold a public hearing or hearings within the proposed areas.

(6) Sources operated by government agencies are not exempt under this section.

(7) By October 1, 1993, or ninety days after the United States environmental protection agency approves the state operating permit program, whichever is later, any person required to have a permit shall submit to the permitting agency a compliance plan and permit application, signed by a responsible official, certifying the accuracy of the information submitted. Until permits are issued, existing sources shall be allowed to operate under presently applicable standards and conditions provided that such sources submit complete and timely permit applications.

(8) All proposed permits shall be subject to public notice and comment. The rules adopted pursuant to subsection (3) of this section shall specify procedures for public notice and comment. Such procedures shall provide the permitting agency with an opportunity to respond to comments received from interested parties prior to the time that the proposed permit is submitted to the environmental protection agency for review pursuant to section 505(a) of the federal clean air act. In the event that the environmental

protection agency objects to a proposed permit pursuant to section 505(b) of the federal clean air act, the permitting authority shall not issue the permit, unless the permittee consents to the changes required by the environmental protection agency.

(9) The procedures contained in chapter 43.21B RCW shall apply to permit appeals. The pollution control hearings board may stay the effectiveness of any permit issued under this section during the pendency of an appeal filed by the permittee, if the permittee demonstrates that compliance with the permit during the pendency of the appeal would require significant expenditures that would not be necessary in the event that the permittee prevailed on the merits of the appeal.

(10) After the effective date of any permit program promulgated under this section, it shall be unlawful for any person to: (a) Operate a permitted source in violation of any requirement of a permit issued under this section; or (b) fail to submit a permit application at the time required by rules adopted under subsection (3) of this section.

(11) Each air operating permit shall state the origin of and specific legal authority for each requirement included therein. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:

(a) The federal clean air act and rules implementing that act, including provision of the approved state implementation plan;

(b) This chapter and rules adopted thereunder; and

(c) In permits issued by a local air pollution control authority, the requirements of any order or regulation adopted by that authority.

(12) Consistent with the provisions of the federal clean air act, the permitting authority may issue general permits covering categories of permitted sources, and temporary permits authorizing emissions from similar operations at multiple temporary locations.

(13) Permitted sources within the territorial jurisdiction of an authority delegated the operating permit program shall file their permit applications with that authority, except that permit applications for sources regulated on a state-wide basis pursuant to RCW 70.94.395 shall be filed with the department. Permitted sources outside the territorial jurisdiction of a delegated authority shall file their applications with the department.

(14) When issuing operating permits to coal fired electric generating plants, the permitting authority shall give consideration to the federal time lines for the implementation of required control technology.

(15)(a) Each source emitting one hundred tons or more per year of a regulated pollutant shall pay an interim assessment of ten dollars per ton multiplied by the annual process-related emissions of each regulated pollutant emitted during calendar years 1990 and 1991. "Regulated pollutant" shall have the same meaning as defined in section 502(b) of the federal clean air act amendments of 1990.

(b) Fees collected under (a) of this subsection shall be distributed as follows: Eighty percent to the department and twenty percent to local air authorities.

(c) The fees assessed to a source under (a) of this subsection and any fees enacted under subsection (16) of this section shall be limited to the first seven thousand five hundred tons for each regulated pollutant per year.

(16) On or before November 1, 1992, the department, in consultation with the department of revenue, shall report to the appropriate standing committees of the legislature recommendations on air operating permit fees. The department shall recommend a level of fees to cover the direct and indirect costs of implementing the operating permit program required under the 1990 federal clean air act. In making such recommendations, the department shall address:

(a) The costs of the permit program elements as identified in regulations promulgated by the United States environmental protection agency, including, as applicable:

(i) Oversight of a delegated local air authority;

- (ii) Ambient air monitoring, modeling, and reporting;
- (iii) Training;
- (iv) Data management and quality assurance;
- (v) Development of state implementation plans;
- (vi) Emission inventories;
- (vii) Technical assistance;
- (viii) Rule making and guidelines; and
- (ix) Any other activities, consistent with the federal clean air act, that may be identified by the department;
- (b) The appropriate division of fees with delegated local air authorities; and
- (c) A methodology for tracking revenues and expenditures from fees paid under this chapter.

(17) The department shall determine the persons liable for the fee imposed by subsection (15) of this section, compute the fee, and provide by November 1 of 1991 and 1992, the identity of the fee payer with the computation of the fee to the department of revenue for collection. The department of revenue shall collect the fee computed by the department from the fee payers identified by the department. The administrative, collection, and penalty provisions of chapter 82.32 RCW shall apply to the collection of the fee by the department of revenue. The department shall provide technical assistance to the department of revenue for decisions made by the department of revenue pursuant to RCW 82.32.160 and 82.32.170. All fees collected shall be deposited in the air operating permit account.

All fees identified in this section shall be due and payable on March 1 of 1992 and 1993.

(18) For sources or source categories not required to obtain permits under subsection (5) of this section, the department or local authority may establish by rule control technology requirements. If control technology rule revisions are made by the department or local authority under this subsection, the department or local authority shall consider the remaining useful life of control equipment previously installed on existing sources before requiring technology changes. The department or any local air authority may issue a general permit, as authorized under the federal clean air act, for such sources.

(19) RCW 70.94.151 shall not apply to any source for which a permit under this section has been issued.

Sec. 302. RCW 70.94.152 and 1973 1st ex.s. c 193 s 2 are each amended to read as follows:

(1) The department of ecology or board of any authority may require notice of the ~~((construction, installation, or))~~ establishment of any proposed new ~~((air contaminant))~~ sources except single family and duplex dwellings. The department of ecology or board may require such notice to be accompanied by a fee and determine the amount of such fee: PROVIDED, That the amount of the fee may not exceed the cost of reviewing the plans, specifications, and other information and administering such notice: PROVIDED FURTHER, That any such notice given or notice of construction application submitted to either the board or to the department of ecology shall preclude a further ~~((notice))~~ submittal of a duplicate application to ~~((be given to))~~ any ~~((other))~~ board or to the department of ecology. Within thirty days of ~~((its))~~ receipt of ~~((such notice))~~ a notice of construction application, the department of ecology or board may require, as a condition precedent to the ~~((construction, installation, or))~~ establishment of the ~~((air contaminant))~~ new source or sources covered thereby, the submission of plans, specifications, and such other information as it deems necessary ~~((in order))~~ to determine whether the proposed ~~((construction, installation, or establishment))~~ new source will be in accord with applicable rules and regulations in force ~~((pursuant to))~~ under this chapter~~((, and will provide all known available and reasonable methods of emission control))~~. If on the basis of plans, specifications, or other information required ~~((pursuant to))~~ under this section

the department of ecology or board determines that the proposed (~~construction, installation, or establishment~~) new source will not be in accord with this chapter or the applicable ordinances, resolutions, rules, and regulations adopted (~~(pursuant thereto, or will not provide all known available and reasonable means of emission control)~~) under this chapter, it shall issue an order (~~(for the prevention of the construction, installation, or establishment of the air contaminant source or sources)~~) denying permission to establish the new source. If on the basis of plans, specifications, or other information required (~~(pursuant to)~~) under this section, the department of ecology or board determines that the proposed (~~construction, installation, or establishment~~) new source will be in accord with this chapter, and the applicable (~~(ordinances, resolutions,)~~) rules(~~(,)~~) and regulations adopted (~~(pursuant thereto and will provide all known available and reasonable methods of emission control)~~) under this chapter, it shall issue an order of approval (~~(of)~~) for the (~~construction, installation, and~~) establishment of the (~~air contaminant~~) new source or sources, which order may provide such conditions (~~(of operation)~~) as are reasonably necessary to assure the maintenance of compliance with this chapter and the applicable (~~(ordinances, resolutions,)~~) rules(~~(,)~~) and regulations adopted (~~(pursuant thereto)~~) under this chapter. Every order of approval under this chapter must be reviewed prior to issuance by a professional engineer or staff under the supervision of a professional engineer in the employ of the department of ecology or board.

(2) (~~(For the purposes of this chapter, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction or installation or establishment of a new air contaminant source.))~~ The determination(~~(,)~~) required under subsection (1) of this section(~~(, of whether a proposed construction, installation, or establishment will be in accord with this chapter and the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto)~~) shall include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded.

(3) New source review of a modification shall be limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as a result of the modification.

(4) Nothing in this section shall be construed to authorize the department of ecology or board to require the use of emission control equipment or other equipment, machinery, or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.

(~~(4))~~ (5) Any features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to subsection (1) (~~(hereof)~~) of this section shall be maintained and operate in good working order.

(~~(5))~~ (6) The absence of an ordinance, resolution, rule, or regulation, or the failure to issue an order pursuant to this section shall not relieve any person from his or her obligation to comply with (~~(any))~~ applicable emission control requirements or with any other provision of law.

(7) Within thirty days of receipt of a notice of construction application the department of ecology or board shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within sixty days of receipt of a complete application the department or board shall either (a) issue a final decision on the application, or (b) for those projects subject to public notice, initiate notice and comment on a proposed decision, followed as promptly as possible by a final decision.

NEW SECTION. Sec. 303. A new section is added to chapter 70.94 RCW to read as follows:

Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source emission unit shall file a notice of construction application with the jurisdictional permitting authority. For projects not

otherwise reviewable under RCW 70.94.152, the permitting authority may (1) require that the owner or operator employ reasonably available control technology for the affected emission unit and (2) may prescribe reasonable operation and maintenance conditions for the control equipment. Within thirty days of receipt of an application for notice of construction under this section the permitting authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty days of receipt of a complete application the permitting authority shall either issue an order of approval or a proposed RACT determination for the proposed project. Construction shall not commence on a project subject to review under this section until the permitting authority issues a final order of approval. However, any notice of construction application filed under this section shall be deemed to be approved without conditions if the permitting authority takes no action within thirty days of receipt of a complete application for a notice of construction.

NEW SECTION. Sec. 304. A new section is added to chapter 70.94 RCW to read as follows:

The department shall prepare recommendations to reduce air emissions for source categories not generally required to have a permit under section 301 of this act. Such recommendations shall not require any action by the owner or operator of a source and shall be consistent with rules adopted under chapter 70.95C RCW. The recommendations shall include but not be limited to: Process changes, product substitution, equipment modifications, hazardous substance use reduction, recycling, and energy efficiency.

Sec. 305. RCW 70.94.155 and 1981 c 224 s 1 are each amended to read as follows:

(1) As used in subsection (3) of this section, the term "bubble" means an air pollution control system which permits aggregate measurements of allowable emissions, for a single category of pollutant, for emissions points from a specified emissions-generating facility or facilities. Individual point source emissions levels from such specified facility or facilities may be modified provided that the aggregate limit for the specified sources is not exceeded.

(2) Whenever any regulation relating to emission standards or other requirements for the control of emissions is adopted which provides for compliance with such standards or requirements no later than a specified time after the date of adoption of the regulation, the appropriate activated air pollution control authority or, if there be none, the department of ecology shall, by permit or regulatory order, issue to air contaminant sources subject to the standards or requirements, schedules of compliance setting forth timetables for the achievement of compliance as expeditiously as practicable, but in no case later than the time specified in the regulation. Interim dates in such schedules for the completion of steps of progress toward compliance shall be as enforceable as the final date for full compliance therein.

(3) Wherever requirements necessary for the attainment of air quality standards or, where such standards are not exceeded, for the maintenance of air quality can be achieved through the use of a control program involving the bubble concept, such program may be authorized by a regulatory order or orders or permit issued to the air contaminant source or sources involved. Such order or permit shall only be authorized after the control program involving the bubble concept is accepted by United States environmental protection agency as part of an approved state implementation plan. Any such order or permit provision shall restrict total emissions within the bubble to no more than would otherwise be allowed in the aggregate for all emitting processes covered. The orders or permits provided for by this subsection shall be issued by the department or the authority with jurisdiction. If the bubble involves interjurisdictional approval, concurrence in the total program must be secured from each regulatory entity concerned.

Sec. 306. RCW 70.94.181 and 1983 c 3 s 176 are each amended to read as follows:

(1) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment may apply to the department of ecology (~~(where it has regulatory authority under RCW 70.94.390, 70.94.395, 70.94.410, and 70.94.420,))~~ or appropriate local authority board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the department of ecology or board may require. The department of ecology or board may grant such variance, provided that variances to state rules shall require the department's approval prior to being issued by a local authority board. The total time period for a variance and renewal of such variance shall not exceed one year. Variances may be issued by either the department or a local board but only after public hearing or due notice, if ((it) the department or board finds that:

(a) The emissions occurring or proposed to occur do not endanger public health or safety or the environment; and

(b) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the department of ecology or board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(3) Any variance or renewal thereof shall be granted within the requirements of subsection (1) (~~(and for time periods)~~) of this section and under conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the department of ecology or board may prescribe.

(b) (~~If the application for variance shows that there is no automobile fragmentizer within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the department of ecology may impose as to climatic conditions and hours during which burning of such hulks may be carried out: PROVIDED, HOWEVER, That any variance granted hereunder shall be of no force and effect after July 1, 1970.~~

(~~e~~)) If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the department of ecology or board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(~~d~~)) (c) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in (~~item~~) (a)(~~(b)~~) and (~~e~~)) (b) of this ((subparagraph) subsection, it shall be for not more than one year.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the department of ecology or board on account of the variance, no renewal thereof shall be granted unless following a public hearing on the complaint on due notice the (~~state board~~) department or board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the department of ecology or board shall give public notice

of such application in accordance with rules (~~and regulations~~) of the department of ecology or board.

(5) A variance or renewal shall not be a right of the applicant or holder thereof but shall be granted at the discretion of the department of ecology or board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the department of ecology or board may obtain judicial review thereof under the provisions of chapter 34.05 RCW as now or hereafter amended.

(6) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 to any person or his or her property.

(7) An application for a variance, or for the renewal thereof, submitted to the department of ecology or board pursuant to this section shall be approved or disapproved by the department or board within sixty-five days of receipt unless the applicant and the department of ecology or board agree to a continuance.

(8) Variances approved under this section shall not be included in orders or permits provided for in section 301 of this act or RCW 70.94.152 until such time as the variance has been accepted by the United States environmental protection agency as part of an approved state implementation plan.

Sec. 307. RCW 70.94.205 and 1973 1st ex.s. c 193 s 4 are each amended to read as follows:

Whenever any records or other information, other than ambient air quality data or emission data, furnished to or obtained by the department of ecology or the board of any authority (~~pursuant to any sections in chapter 70.94 RCW~~) under this chapter, relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the department of ecology or board. Nothing herein shall be construed to prevent the use of records or information by the department of ecology or board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section: PROVIDED FURTHER, That emission data furnished to or obtained by the department of ecology or board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the department of ecology or board.

NEW SECTION. Sec. 308. A new section is added to chapter 70.94 RCW to read as follows:

The department shall establish a technical assistance unit within its air quality program, consistent with the federal clean air act, to provide the regulated community, especially small businesses with:

- (1) Information on air pollution laws, rules, compliance methods, and technologies;
- (2) Information on air pollution prevention methods and technologies, and prevention of accidental releases;
- (3) Assistance in obtaining permits and developing emission reduction plans;
- (4) Information on the health and environmental effects of air pollution.

No representatives of the department designated as part of the technical assistance unit created in this section may have any enforcement authority. Staff of the technical assistance unit who provide on-site consultation at an industrial or commercial facility and who observe violations of air quality rules shall immediately inform the owner or operator of the facility of such violations. On-site consultation visits shall not be regarded as an inspection or investigation and no notices or citations may be issued or civil penalties assessed during such a visit. However, violations shall be reported to the appropriate

enforcement agency and the facility owner or operator shall be notified that the violations will be reported. No enforcement action shall be taken by the enforcement agency for violations reported by technical assistance unit staff unless and until the facility owner or operator has been provided reasonable time to correct the violation. Violations that place any person in imminent danger of death or substantial bodily harm or cause physical damage to the property of another in an amount exceeding one thousand dollars may result in immediate enforcement action by the appropriate enforcement agency.

Sec. 309. RCW 70.94.211 and 1974 ex.s. c 69 s 4 are each amended to read as follows:

~~((Whenever the board or the control officer has reason to believe that any provision of this chapter or any ordinance, resolution, rule or regulation relating to the control or prevention of air pollution has been violated, such board or control officer may))~~ At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 or 70.94.431 a local air authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the ((ordinance, resolution,)) rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the board for a hearing((, or in addition to or in place of an order or hearing, the board may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435)). Every notice of violation shall offer to the alleged violator an opportunity to meet with the local air authority prior to the commencement of enforcement action.

Sec. 310. RCW 70.94.430 and 1984 c 255 s 1 are each amended to read as follows:

(1) Any person who knowingly violates any of the provisions of ((this)) chapter 70.94 or 70.120 RCW, or any ordinance, resolution, ((rule)) or regulation in force pursuant thereto shall be guilty of a ((misdemeanor)) crime and upon conviction thereof shall be punished by a fine of not more than ((one)) ten thousand dollars, or by imprisonment in the county jail for not more than ((ninety days)) one year, or by both ((fine and imprisonment)) for each separate violation.

~~((Any person who wilfully violates any of the provisions of this chapter or any ordinance, resolution, rule or regulation in force pursuant thereto shall be guilty of a gross misdemeanor. Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense or by imprisonment for a term of not more than one year or by both fine and imprisonment.~~

~~In case of a continuing violation, whether or not wilfully committed, each day's continuance shall be a separate and distinct violation.))~~

(2) Any person who negligently releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than one year, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the department of ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm, shall be guilty of a crime and shall, upon conviction, be punished by a fine of not less than fifty thousand dollars, or by imprisonment for not more than five years, or both.

(4) Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine or not more than five thousand dollars.

Sec. 311. RCW 70.94.431 and 1990 c 157 s 1 are each amended to read as follows:

(1) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW, chapter 70.120 RCW, or any of the rules ~~((and regulations of the department or the board shall))~~ in force under such chapters may incur a civil penalty in an amount not to exceed ~~((one))~~ ten thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. ~~((For the purposes of this subsection, the maximum daily fine imposed by a local board for violations of standards by a specific emissions unit is one thousand dollars.))~~

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty of not more than ten thousand dollars for each day of continued noncompliance.

(2) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in this section may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

~~((2)) Further, the person is subject to a fine of up to five thousand dollars to be levied by the director of the department of ecology if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. A local board shall not make such a request until notice of violation and compliance order procedures have been exhausted, if such procedures are applicable. For the purposes of this subsection, the maximum daily fine imposed by the department of ecology for violations of standards by a specific emissions unit is five thousand dollars.))~~

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the ~~((general fund))~~ air pollution control account established in section 228 of this act or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under subsection ~~((2))~~ (1) of this section shall be reduced by the amount of the payment. ~~((Notwithstanding any other provisions of this chapter, no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.))~~

(5) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(6) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(7) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(8) By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

Sec. 312. RCW 70.94.860 and 1984 c 164 s 2 are each amended to read as follows:

The department of ecology may accept delegation of ~~((the prevention of significant deterioration program pursuant to Part C, Subpart 1 of))~~ programs as provided for in the federal clean air act. Subject to federal approval, the department may, in turn, delegate ~~((this))~~ such programs to the local authority with jurisdiction in a given area.

Sec. 313. RCW 70.94.875 and 1985 c 456 s 3 are each amended to read as follows:

The department of ecology, in consultation with the ~~((joint legislative committee on science and technology or the))~~ appropriate committees of the house of representatives and of the senate, shall:

(1) Continue evaluation of information and research on acid deposition in the Pacific Northwest region;

(2) Establish critical levels of acid deposition and lake, stream, and soil acidification; and

(3) Notify the legislature if acid deposition or lake, stream, and soil acidification reaches the levels established under subsection (2) of this section.

NEW SECTION. Sec. 314. A new section is added to chapter 70.94 RCW to read as follows:

(1) The science advisory board is hereby created to advise the department on procedures for assessing and managing the risks associated with air contaminant emissions. The board shall consist of five members knowledgeable in the fields of risk assessment or risk management. Members shall be appointed by the director of the department. The board shall be staffed by the department.

(2) The board shall:

(a) Advise the department on the most appropriate methods for identifying and measuring cancer risks or other chronic health effects resulting from exposure to air contaminant emissions; and

(b) Identify, evaluate, and recommend procedures relating to managing the risks associated with exposure to air contaminant emissions.

(3) In fulfilling its duties under subsection (2) of this section, the board shall consider all appropriate studies and reports relating to risk assessment or risk management including but not limited to reports authorized by the federal clean air act from the national academy of sciences and the risk assessment and risk management commission.

(4) Members shall be compensated as provided in RCW 43.03.250 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The duties of the board shall terminate on July 1, 1996.

NEW SECTION. Sec. 315. A new section is added to chapter 70.94 RCW to read as follows:

The department and local air pollution control authorities shall preempt the application of chapter 9 of the uniform building code and article 80 of the uniform fire code by other state agencies and local governments for the purposes of controlling outdoor air pollution from industrial and commercial sources, except where authorized by this act. Actions by other state agencies and local governments under article 80 of the uniform fire code to take immediate action in response to an emission that presents a physical hazard or imminent health hazard are not preempted.

"IV.

OUTDOOR BURNING"

Sec. 401. RCW 70.94.745 and 1972 ex.s. c 136 s 2 are each amended to read as follows:

It shall be the responsibility and duty of the department of natural resources, department of ecology, department of agriculture, fire districts, and local air pollution control authorities to establish, through regulations, ordinances, or policy, a limited burning program for the people of this state, consisting of a one-permit system, until such

time as ~~((an))~~ alternate technology or methods of disposing of the organic refuse ~~((described in this chapter shall))~~ have been developed ~~((which is))~~ that are reasonably economical and less harmful to the environment. It is the policy of this state to ~~((encourage the fostering and development of such))~~ foster and encourage development of alternate methods or technology for disposing of or reducing the amount of organic refuse.

NEW SECTION. Sec. 402. A new section is added to chapter 70.94 RCW to read as follows:

(1) Consistent with the policy of the state to reduce outdoor burning to the greatest extent practical:

(a) Outdoor burning shall not be allowed in any area of the state where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning.

(b) Outdoor burning shall not be allowed in any urban growth area as defined by RCW 36.70A.030, or any city of the state having a population greater than ten thousand people if such cities are threatened to exceed state or federal air quality standards, and alternative disposal practices consistent with good solid waste management are reasonably available or practices eliminating production of organic refuse are reasonably available. In no event shall such burning be allowed after December 31, 2000.

(2) "Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(3) This section shall not apply to silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

NEW SECTION. Sec. 403. A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of natural resources shall administer a program to reduce state-wide emissions from silvicultural forest burning so as to achieve the following minimum objectives:

(a) Twenty percent reduction by December 31, 1994 providing a ceiling for emissions until December 31, 2000; and

(b) Fifty percent reduction by December 31, 2000 providing a ceiling for emissions thereafter.

Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.

(2) The department of natural resources, within twelve months after the effective date of this section, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.

The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter 76.04 RCW and other objectives of burning, including abating and preventing a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, and diversity of land ownership. The plan shall establish priorities that the department of natural resources shall use to allocate allowable emissions, including but not limited to, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

The emission reductions in this section are to apply to all forest lands including those owned and managed by the United States. If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter 76.04 RCW.

(3) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter 76.04 RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent years to achieve equal annual incremental reductions so as to achieve the December 31, 2000, target level. If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent years.

Sec. 404. RCW 70.94.660 and 1971 ex.s. c 232 s 2 are each amended to read as follows:

(1) The department of natural resources shall have the responsibility for issuing and regulating burning permits required by it relating to the following activities ~~((declared to be))~~ for the protection of life or property and/or ~~((in))~~ for the public health, safety, and welfare:

~~((1))~~ (a) Abating a forest fire hazard;

~~((2))~~ (b) Prevention of a fire hazard;

~~((3))~~ (c) Instruction of public officials in methods of forest fire fighting; ~~((and~~

~~(4))~~ (d) Any silvicultural operation to improve the forest lands of the state; and

(e) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

(2) The department of natural resources shall not retain such authority, but it shall be the responsibility of the appropriate fire protection agency for permitting and regulating outdoor burning on lands where the department of natural resources does not have fire protection responsibility.

(3) Permit fees shall be assessed for silvicultural burning under the jurisdiction of the department of natural resources and collected by the department of natural resources as provided for in this section. All fees shall be deposited in the air pollution control account, created in section 228 of this act. The legislature shall appropriate to the department of natural resources funds from the air pollution control account to enforce and administer the program under section 403 of this act and RCW 70.94.660, 70.94.670, and 70.94.690. Fees shall be set by rule by the department of natural resources at the level necessary to cover the costs of the program after receiving recommendations on such fees from the public and the forest fire advisory board established by RCW 76.04.145.

Sec. 405. RCW 70.94.670 and 1971 ex.s. c 232 s 3 are each amended to read as follows:

The department of natural resources in granting burning permits for fires for the purposes set forth in RCW 70.94.660 shall condition the issuance and use of such permits to comply with air quality standards established by the department of ecology after full consultation with the department of natural resources. Such burning shall not cause the state air quality standards ~~((for suspended particulate matter))~~ to be exceeded in the ambient air up to two thousand feet above ground level over critical areas designated by

the department of ecology, otherwise subject to air pollution from other sources. Air quality standards (~~((for suspended particulate matter))~~) shall be established and published by the department of ecology which shall also establish a procedure for advising the department of natural resources when ~~((the))~~ and where air contaminant levels exceed((s)) or threaten~~((s))~~ to exceed the ambient air standards over such critical areas. The ~~((suspended particulate matter))~~ air quality shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established ~~((primary air mass stations or primary ground level))~~ monitoring stations over such designated areas. Further, such permitted burning shall not cause damage to public health or the environment. All permits issued under this section shall be subject to all applicable fees, permitting, penalty, and enforcement provisions of this chapter. The department of natural resources shall set forth smoke dispersal objectives designed consistent with this section to minimize any air pollution ~~((from smoke))~~ from such burning and the procedures necessary to meet those objectives.

The department of natural resources shall encourage more intense utilization in logging and alternative silviculture practices to reduce ~~((forest fire hazards and shall encourage development and use of procedures and equipment to burn forest debris in a manner that will produce less smoke))~~ the need for burning. The department of natural resources shall, whenever practical, encourage ~~((development))~~ landowners to develop and use ((of)) alternative acceptable disposal methods subject to the following priorities: (1) Slash production minimization, (2) slash utilization, (3) nonburning disposal, (4) silvicultural burning. Such alternative methods shall be evaluated as to the relative impact on air, water, and land pollution, public health, and their financial feasibility.

The department of natural resources shall not issue burning permits and shall revoke previously issued permits at any time in any area where the department of ecology or local board has declared a stage of impaired air quality as defined in RCW 70.94.473.

Sec. 406. RCW 70.94.690 and 1971 ex.s. c 232 s 5 are each amended to read as follows:

In the regulation of outdoor burning not included in RCW 70.94.660 requiring permits from the department of natural resources, said department and the state, local, or regional air pollution control authorities will cooperate in regulating such burning so as to minimize insofar as possible duplicate inspections and separate permits while still accomplishing the objectives and responsibilities of the respective agencies. The department of natural resources shall include any local authority's burning regulations with permits issued where applicable pursuant to RCW 70.94.740 through 70.94.775. The department shall develop agreements with all local authorities to coordinate regulations.

Permits shall be withheld by the department of natural resources when so requested by the department of ecology if a forecast, alert, warning, or emergency condition exists as defined in the episode criteria of the department of ecology.

NEW SECTION. Sec. 407. A new section is added to chapter 70.94 RCW to read as follows:

Nothing contained in this chapter shall prohibit fires necessary: (1) To promote the regeneration of rare and endangered plants found within natural area preserves as identified under chapter 79.70 RCW; and (2) for Indian ceremonies or for the sending of smoke signals if part of a religious ritual. Permits issued for burning under this section shall be drafted to minimize emissions including denial of permission to burn during periods of adverse meteorological conditions.

Sec. 408. RCW 70.94.650 and 1971 ex.s. c 232 s 1 are each amended to read as follows:

- (1) Any person who proposes to set fires in the course of ~~((the following: (1)))~~ (a) weed abatement,
~~((2)))~~ (b) instruction in methods of fire fighting (except forest fires), or

~~((3) Disease prevention relating to)~~ (c) agricultural activities, shall, prior to carrying out the same, obtain a permit from an air pollution control authority or the department of ecology, as appropriate. Each such authority and the department of ecology shall, by rule or ordinance, establish a permit system to carry out the provisions of this section except as provided in RCW 70.94.660. General criteria of state-wide applicability for ruling on such permits shall be established by the department, by rule ~~((or regulation)),~~ after consultation with the various air pollution control authorities. Permits shall be issued under this section based on seasonal operations or by individual operations, or both ~~((: PROVIDED, That))~~. All permits so issued shall be conditioned to insure that the public interest in air, water, and land pollution and safety to life and property is fully considered. In addition to any other requirements established by the department to protect air quality pursuant to other laws, applicants for permits must show that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life or property under all circumstances or is otherwise reasonably necessary to successfully carry out the enterprise in which the applicant is engaged ~~((in)), or both~~. All burning permits will be designed to minimize air pollution insofar as practical. Nothing in this section shall relieve the applicant from obtaining permits, licenses, or other approvals required by any other law ~~((: PROVIDED FURTHER, That))~~. An application for a permit to set fires in the course of agricultural burning for controlling diseases, insects, ~~((and))~~ weed abatement or development of physiological conditions conducive to increased crop yield, shall be ~~((granted))~~ acted upon within ~~((fourteen))~~ seven days from the date such application is filed ~~((: PROVIDED, That nothing herein shall prevent a householder from setting fire in the course of burning leaves, clippings or trash when otherwise permitted locally. Nothing contained herein shall prohibit Indian campfires or the sending of smoke signals if part of a religious ritual))~~.

(2) Except as provided in RCW 70.94.780 permit fees shall be assessed for outdoor burning under this section and shall be collected by the department of ecology or the appropriate local air authority at the time the permit is issued. All fees collected shall be deposited in the air pollution control account created in section 228 of this act. Fees shall be set by rule by the permitting agency at the level determined by the task force created by subsection (4) of this section, but shall not exceed two dollars and fifty cents per acre to be burned. After fees are established by rule, any increases in such fees shall be limited to annual inflation adjustments as determined by the state office of the economic and revenue forecast council.

(3) Conservation districts and the Washington State University agricultural extension program in conjunction with the department shall develop public education material for the agricultural community identifying the health and environmental affects of agricultural outdoor burning and providing technical assistance in alternatives to agricultural outdoor burning.

(4) An agricultural burning practices and research task force shall be established under the direction of the department. The task force shall be composed of a representative from the department who shall serve as chair; one representative of eastern Washington local air authorities; three representatives of the agricultural community from different agricultural pursuits; one representative of the department of agriculture; two representatives from universities or colleges knowledgeable in agricultural issues; one representative of the public health or medical community; and one representative of the conservation districts. The task force shall identify best management practices for reducing air contaminant emissions from agricultural activities and provide such information to the department and local air authorities. The task force shall determine the level of fees to be assessed by the permitting agency pursuant to subsection (2) of this section, based upon the level necessary to cover the costs of administering and enforcing the permit programs, to provide funds for research into alternative methods to reduce emissions from such burning, and to the extent possible be consistent with fees charged

for such burning permits in neighboring states. The fee level shall provide, to the extent possible, for lesser fees for permittees who use best management practices to minimize air contaminant emissions. The task force shall identify research needs related to minimizing emissions from agricultural burning and alternatives to such burning. Further, the task force shall make recommendations to the department on priorities for spending funds provided through this chapter for research into alternative methods to reduce emissions from agricultural burning.

Sec. 409. RCW 70.94.654 and 1973 1st ex.s. c 193 s 6 are each amended to read as follows:

Whenever the department of ecology shall find that any fire protection agency, county, or conservation district which is outside the jurisdictional boundaries of an activated air pollution control authority is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650 ~~((1) and (3))~~ and desirous of doing so, the department of ecology may delegate ~~((all))~~ powers necessary for the issuance ~~((and))~~ or enforcement, or both, of permits for any or all of the kinds of burning to the fire protection agency, county, or conservation district. ~~Such delegation may be withdrawn by the department of ecology upon ((a)) its finding that the fire protection agency, county, or conservation district is not effectively administering the permit program.~~

Sec. 410. RCW 70.94.775 and 1974 ex.s. c 164 s 1 are each amended to read as follows:

No person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation ~~((which))~~ that normally emits dense smoke or obnoxious odors ~~((except as provided in RCW 70.94.650: PROVIDED, That)).~~ Agricultural heating devices ~~((which))~~ that otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section;

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715(~~g~~);

~~(3) In any area which has been designated by the department of ecology or board of an activated authority as an area exceeding or threatening to exceed state or federal ambient air quality standards, or after July 1, 1976, state ambient air quality goals for particulates, except instructional fires permitted by RCW 70.94.650(2)) or impaired air quality condition as defined in RCW 70.94.473.~~

Sec. 411. RCW 70.94.780 and 1973 1st ex.s. c 193 s 10 are each amended to read as follows:

In addition to any other powers granted to them by law, the fire protection agency ~~((authorized to issue)), county, or conservation district issuing burning permits ((may))~~ shall regulate or prohibit outdoor burning ~~((in order))~~ as necessary to prevent or abate the nuisances caused by such burning. No fire protection agency, county, or conservation district may issue a burning permit in an area where the department or local board has declared any stage of impaired air quality per RCW 70.94.473 or any stage of an air pollution episode. All burning permits issued shall be subject to all applicable fee, permitting, penalty, and enforcement provisions of this chapter. The permitted burning shall not cause damage to public health or the environment.

Any entity issuing a permit under this section may charge a fee at the level necessary to recover the costs of administering and enforcing the permit program.

Sec. 412. RCW 70.94.750 and 1972 ex.s. c 136 s 3 are each amended to read as follows:

The following outdoor fires described in this section may be burned subject to the provisions of ~~((the program established pursuant to RCW 70.94.755 for any area))~~ this chapter and also subject to city ordinances, county resolutions, ~~((and))~~ rules ~~((and regulations))~~ of fire districts and laws, and rules ~~((and regulations))~~ enforced by the

department of natural resources if a permit has been issued by a fire protection agency, county, or conservation district:

(1) Fires consisting of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

(2) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control; provided the fires described in this subsection may be prohibited in those areas having a general population density of one thousand or more persons per square mile.

Sec. 413. RCW 70.94.656 and 1990 c 113 s 1 are each amended to read as follows:

It is hereby declared to be the policy of this state that strong efforts should be made to minimize adverse effects on air quality from the open burning of field and turf grasses grown for seed. To such end this section is intended to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.

(1) The department shall approve of a study or studies for the exploration and identification of economical and practical alternate agricultural practices to the open burning of field and turf grasses grown for seed. Prior to the issuance of any permit for such burning under RCW 70.94.650, there shall be collected a fee not to exceed one dollar per acre of crop to be burned. Any such fees received by any authority shall be transferred to the department of ecology. The department of ecology shall deposit all such acreage fees in a special grass seed burning research account, hereby created, in the state treasury. All earnings of investments of balances in the special grass seed burning research account shall be credited to the general fund. The department shall allocate moneys annually from this account for the support of any approved study or studies as provided for in this subsection. For the conduct of any such study or studies, the department may contract with public or private entities: PROVIDED, That whenever the department of ecology shall conclude that sufficient reasonably available alternates to open burning have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved, and any money remaining therein shall revert to the general fund.

The fee collected under this subsection shall constitute the research portion of fees required under RCW 70.94.650 for open burning of grass grown for seed.

(2) Whenever on the basis of information available to it, the department after public hearings have been conducted wherein testimony will be received and considered from interested parties wishing to testify shall conclude that any procedure, program, technique, or device constitutes a practical alternate agricultural practice to the open burning of field or turf grasses grown for seed, the department shall, by order, certify approval of such alternate. Thereafter, in any case which any such approved alternate is reasonably available, the open burning of field and turf grasses grown for seed shall be disallowed and no permit shall issue therefor.

(3) Until approved alternates become available, the department or the authority may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.

(4) Permits issued for burning of field and turf grasses may be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions.

"V.

WOODSTOVES AND FIREPLACES"

Sec. 501. RCW 70.94.457 and 1987 c 405 s 4 are each amended to read as follows:

~~((Before January 1, 1988,))~~ The department of ecology shall establish by rule under chapter 34.05 RCW:

(1) State-wide emission performance standards for new ~~((wood stoves))~~ solid fuel burning devices. Notwithstanding any other provision of this chapter which allows an authority to adopt more stringent emission standards, no authority shall adopt any emission standard for new ~~((wood stoves))~~ solid fuel burning devices other than the state-wide standard adopted by the department under this section.

(a) ~~((For new wood stoves sold after July 1, 1988, the state wide performance standard, by rule, shall be the equivalent of and consistent with state wide emission standards in effect in bordering states on or before January 1, 1987. For solid fuel burning devices for which bordering states have not established emission standards, the department may temporarily exempt or establish, by rule, state wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves regulated by this subsection))~~ After January 1, 1995, no solid fuel burning device shall be offered for sale that does not meet the following particulate air contaminant emission standards under the test methodology of the United States environmental protection agency in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the United States environmental protection agency subsequent to such date: (i) Two and one-half grams per hour for catalytic wood stoves; and (ii) four and one-half grams per hour for all other solid fuel burning devices. For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection multiplied by a statistically reliable conversion factor determined by the department that compares the difference between the emission test methodology established by the United States environmental protection agency prior to the effective date of this section, with the test methodology adopted subsequently by the agency. Subsection (a) of this subsection does not apply to fireplaces.

(b) After January 1, 1997, no fireplace, except masonry fireplaces, shall be offered for sale unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule. Prior to January 1, 1997, the state building code council shall establish by rule a methodology for the testing of factory-built fireplaces. The methodology shall be designed to achieve a particulate air emission standard equivalent to the 1990 United States environmental protection agency standard for wood stoves. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers.

(c) Prior to January 1, 1997, the state building code council shall establish by rule design standards for the construction of new masonry fireplaces in Washington state. In developing the rules, the council shall include on the technical advisory committee at least one representative from the masonry fireplace builders and at least one representative of the factory-built fireplace manufacturers. It shall be the goal of the council to develop design standards that generally achieve reductions in particulate air contaminant emissions commensurate with the reductions being achieved by factory-built fireplaces at the time the standard is established.

(d) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

(e) Subsection (1)(a) of this section shall not apply to fireplaces.

~~((b))~~ (f) Notwithstanding (a) of this subsection, the department is authorized to adopt, by rule, emission standards adopted by the United States environmental protection agency for new wood stoves sold at retail. For solid fuel burning devices for which the

United States environmental protection agency has not established emission standards, the department may (~~temporarily~~) exempt or establish, by rule, state-wide standards including emission levels and test procedures for such devices and such emission levels and test procedures shall be equivalent to emission levels per pound per hour burned for other new wood stoves and fireplaces regulated under this subsection.

(2) A program to:

(a) Determine whether a new (~~wood stove~~) solid fuel burning device complies with the state-wide emission performance standards established in subsection (1) of this section; and

(b) Approve the sale of (~~stoves~~) devices that comply with the state-wide emission performance standards.

Sec. 502. RCW 70.94.470 and 1987 c 405 s 5 are each amended to read as follows:

(1) (~~Before January 1, 1988,~~) The department shall establish, by rule under chapter 34.05 RCW, (~~state wide opacity levels for residential solid fuel burning devices as follows:~~

~~(a) A state wide opacity level of twenty percent for the purpose of public education;~~

~~(b) Until July 1, 1990, a state wide opacity level of forty percent for the purpose of enforcement on a complaint basis; and~~

~~(c) After July 1, 1990, a) (a) a state-wide opacity level of twenty percent for residential solid fuel burning devices for the purpose of enforcement on a complaint basis and (b) a state-wide opacity of ten percent for purposes of public education.~~

(2) Notwithstanding any other provision of this chapter which may allow an authority to adopt a more stringent opacity level, no authority shall adopt or enforce an opacity level(~~:~~

~~(a) Lower than forty percent until July 1, 1990; and~~

~~(b) Lower than twenty percent after July 1, 1990)) for solid fuel burning devices other than established in this section.~~

(3) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

NEW SECTION. Sec. 503. A new section is added to chapter 70.94 RCW to read as follows:

After January 1, 1992, no used solid fuel burning device shall be installed in new or existing buildings unless such device is either Oregon department of environmental quality phase II or United States environmental protection agency certified or a pellet stove either certified or exempt from certification by the United States environmental protection agency.

(1) By July 1, 1992, the state building code council shall adopt rules requiring an adequate source of heat other than woodstoves in all new and substantially remodeled residential and commercial construction. This rule shall apply (a) to areas designated by a county to be an urban growth area under chapter 36.70A RCW; and (b) to areas designated by the environmental protection agency as being in nonattainment for particulate matter.

(2) For purposes of this section, "substantially remodeled" means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period.

Sec. 504. RCW 70.94.473 and 1990 c 128 s 2 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which ~~((meet the standards set forth in RCW 70.94.457,))~~ are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption ((certificate)) by the United States environmental protection agency in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. A first stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of seventy-five micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average; and

(c) Not burn wood in any solid fuel burning device~~((, including those which meet the standards set forth in RCW 70.94.457,))~~ in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of one hundred five micrograms per cubic meter measured on a twenty-four hour average.

(2) ~~((When))~~ If a local air authority exercises the limitation on solid fuel burning devices specified under RCW 70.94.477(2), a single stage of impaired air quality applies in the geographical area defined by the authority in accordance with RCW 70.94.477(2) and is reached when particulates ten microns and smaller in diameter are at an ambient level of ninety micrograms per cubic meter measured on a twenty-four hour average or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average.

~~((When))~~ If this single stage of impaired air quality is reached, no person in a residence or commercial establishment ((which)) that has an adequate source of heat without burning wood shall burn wood in any solid fuel burning device, including those which meet the standards set forth in RCW 70.94.457.

(3) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by this act.

Sec. 505. RCW 70.94.483 and 1990 c 128 s 5 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the general fund. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee~~((, not to exceed fifteen))~~ of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device((, excepting masonry fireplaces,)) after January 1, ((1988)) 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above ((fifteen)) thirty dollars ((according to changes in the consumer price index after January 1, 1989)) to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of

chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 506. RCW 70.94.041 and 1983 c 3 s 175 are each amended to read as follows:

Except as otherwise provided in this section, any building or structure listed on the national register of historic sites, structures, or buildings established pursuant to 80 Stat. 915, 16 U.S.C. Sec. 470a, or on the state register established pursuant to RCW ((43.51A.089)) 27.34.220, shall be permitted to burn wood as it would have when it was a functioning facility as an authorized exception to the provisions of this chapter. Such burning of wood shall not be exempted from the provisions of RCW 70.94.710 through 70.94.730.

NEW SECTION. Sec. 507. A new section is added to chapter 70.94 RCW to read as follows:

(1) A task force is established for the purposes of recommending programs to:

(a) Encourage persons with wood stoves not meeting the requirements of RCW 70.94.457 or United States environmental protection agency certificate requirements to remove such wood stoves and install a less polluting certified wood stove or other source of heat; and

(b) Educate the public on wood stove emissions and methods to reduce such emissions.

(2) The task force shall be appointed by the speaker of the house of representatives and the president of the senate and shall consist of:

(a) Two members from the house of representatives committee on environmental affairs;

(b) Two members from the senate committee on environment and natural resources;

(c) Two members from the house of representatives committee on energy and utilities; and

(d) Two members from the senate committee on energy and utilities.

(3) In developing recommendations, the task force shall consult with representatives from the department of ecology, local air authorities, wood stove dealers, wood stove manufacturers, public and investor owned utilities, citizen organizations, environmental organizations, and public health organizations.

(4) By November 1, 1991, the task force shall report to the appropriate standing committees of the legislature. The report shall recommend methods to:

(a) Use public and private funds to provide credit toward purchasing old wood stoves not certified under RCW 70.94.457;

(b) Use public and private funds to implement public education programs designed to reduce emissions from wood stoves;

(c) Prevent fraud or abuse of the programs developed under this section; and

(d) Develop emissions' data collection and monitoring systems.

(5) The task force created in subsection (1) of this section shall terminate on July 1, 1995.

"VI.

GLOBAL WARMING AND OZONE DEPLETION"

NEW SECTION. Sec. 601. The legislature finds that:

(1) The release of chlorofluorocarbons and other ozone-depleting chemicals into the atmosphere contributes to the destruction of stratospheric ozone and threatens plant and animal life with harmful overexposure to ultraviolet radiation;

(2) The technology and equipment to extract and recover chlorofluorocarbons and other ozone-depleting chemicals from air conditioners, refrigerators, and other appliances are available;

(3) A number of nonessential consumer products contain ozone-depleting chemicals; and

(4) Unnecessary releases of chlorofluorocarbons and other ozone-depleting chemicals from these sources should be eliminated.

NEW SECTION. Sec. 602. A new section is added to chapter 70.94 RCW to read as follows:

(1) Regulated refrigerant means a class I or class II substance as listed in Title VI of section 602 of the federal clean air act amendments of November 15, 1990.

(2) A person who services or repairs or disposes of a motor vehicle air conditioning system; commercial or industrial air conditioning, heating, or refrigeration system; or consumer appliance shall use refrigerant extraction equipment to recover regulated refrigerant that would otherwise be released into the atmosphere. This subsection does not apply to off-road commercial equipment.

(3) Upon request, the department shall provide information and assistance to persons interested in collecting, transporting, or recycling regulated refrigerants.

(4) The willful release of regulated refrigerant from a source listed in subsection (2) of this section is prohibited.

NEW SECTION. Sec. 603. A new section is added to chapter 70.94 RCW to read as follows:

No person may sell, offer for sale, or purchase any of the following:

(1) A regulated refrigerant in a container designed for consumer recharge of a motor vehicle air conditioning system or consumer appliance during repair or service. This subsection does not apply to a regulated refrigerant purchased for the recharge of the air conditioning system of off-road commercial or agricultural equipment and sold or offered for sale at an establishment which specializes in the sale of off-road commercial or agricultural equipment or parts or service for such equipment;

(2) Nonessential consumer products that contain chlorofluorocarbons or other ozone-depleting chemicals, and for which substitutes are readily available. Products affected under this subsection shall include, but are not limited to, party streamers, tire inflators, air horns, noise makers, and chlorofluorocarbon-containing cleaning sprays designed for noncommercial or nonindustrial cleaning of electronic or photographic equipment.

NEW SECTION. Sec. 604. A new section is added to chapter 70.94 RCW to read as follows:

The department shall adopt rules to implement sections 602 and 603 of this act. Rules shall include but not be limited to minimum performance specifications for refrigerant extraction equipment, as well as procedures for enforcing sections 602 and 603 of this act. Enforcement provisions adopted by the department shall not include penalties or fines in areas where equipment to collect or recycle regulated refrigerants is not readily available.

"VII.

MISCELLANEOUS SECTIONS"

Sec. 701. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently ~~((or may hereafter be within counties of the first class, class A or class AA, are hereby designated as))~~ activated authorities ~~((and))~~ shall carry out the duties and exercise the powers provided in this chapter. Those activated authorities ~~((hereby activated))~~ which encompass contiguous counties ~~((located in one or the other of the two major areas determined in RCW 70.94.011))~~ are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or county commissioners or other officers as is provided in RCW 70.94.100. ~~((The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.~~

~~(5) The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:~~

~~(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.~~

~~(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.~~

~~(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.))~~

Sec. 702. RCW 70.94.055 and 1967 c 238 s 5 are each amended to read as follows:

The board of county commissioners of any county ~~((other than a first class, class A or class AA county))~~ may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by one hundred property owners within the county. If the board of county commissioners determines as a result of the public hearing that:

(1) Air pollution exists or is likely to occur; and

(2) The city or town ordinances, or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, they ~~((shall))~~ may by resolution activate an air pollution control authority or combine with a contiguous county or counties to form a multicounty air pollution control authority.

Sec. 703. RCW 70.94.092 and 1975 1st ex.s. c 106 s 1 are each amended to read as follows:

Notwithstanding the provisions of RCW 1.16.030, the budget year of each activated authority shall be the fiscal year beginning July 1st and ending on the following June 30th. ~~((The current budget year shall be terminated June 30, 1975, and a budget for the fiscal year beginning July 1, 1975, shall be adopted pursuant to this section as now or hereafter amended.))~~ On or before the fourth Monday in June of each year, each activated authority shall adopt a budget for the following fiscal year. The activated authority budget shall contain adequate funding and provide for staff sufficient to carry out the provisions of all applicable ordinances, resolutions, and local regulations related to the reduction, prevention, and control of air pollution. The legislature acknowledges the need for the state to provide reasonable funding to local authorities to carry out the requirements of this chapter. The budget shall contain an estimate of all revenues to be collected during the following budget year, including any surplus funds remaining unexpended from the preceding year. The remaining funds required to meet budget expenditures, if any, shall be designated as "supplemental income" and shall be obtained from the component cities, towns, and counties in the manner provided in this chapter. The affirmative vote of three-fourths of all members of the board shall be required to authorize emergency expenditures.

Sec. 704. RCW 70.94.100 and 1989 c 150 s 1 are each amended to read as follows:

(1) The governing body of each authority shall be known as the board of directors.

(2) In the case of an authority comprised of one county the board shall be comprised of two appointees of the city selection committee ~~((as hereinafter provided))~~, at least one of whom shall represent the city having the most population in the county, and two representatives to be designated by the board of county commissioners. In the case of an authority comprised of two ~~((or))~~ three, four, or five counties, the board shall be comprised of one appointee ~~((of the city selection committee of))~~ from each county

~~((as hereinafter provided)), who shall represent the city having the most population in such county, to be designated by the mayor and city council of such city, and one representative from each county to be designated by the board of county commissioners of each county making up the authority. ((In the case of an authority comprised of four or five counties, the board shall be comprised of one appointee of the city selection committee of each county as hereinafter provided who shall represent the city having the most population in such county, and one representative from each county to be designated by the board of county commissioners of each county making up the authority.)) In the case of an authority comprised of six or more counties, the board shall be comprised of one representative from each county to be designated by the board of county commissioners of each county making up the authority, and ((one)) three appointees, one each from ((each city with over one hundred thousand population)) the three largest cities within the local authority's jurisdiction to be appointed by the mayor and city council of such city.~~

(3) If the board of an authority otherwise would consist of an even number, the members selected as above provided shall agree upon and elect an additional member who shall be either a member of the governing body of one of the towns, cities or counties comprising the authority, or a private citizen residing in the authority. ~~((All board members shall hold office at the pleasure of the appointing body.))~~

(4) The terms of office of board members shall be four years.

(5) Wherever a member of a board has a potential conflict of interest in an action before the board, the member shall declare to the board the nature of the potential conflict prior to participating in the action review. The board shall, if the potential conflict of interest, in the judgment of a majority of the board, may prevent the member from a fair and objective review of the case, remove the member from participation in the action.

Sec. 705. RCW 70.94.130 and 1969 ex.s. c 168 s 15 are each amended to read as follows:

The board shall exercise all powers of the authority except as otherwise provided. The board shall conduct its first meeting within thirty days after all of its members have been appointed or designated as provided in RCW 70.94.100. The board shall meet at least ten times per year. All meetings shall be publicly announced prior to their occurrence. All meetings shall be open to the public. A majority of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a ~~((chairman))~~ chair and such other officers as may be necessary. Any member of the board may designate a regular alternate to serve on the board in his or her place with the same authority as the member when he or she is unable to attend. Each member of the board, or his or her representative, shall receive from the authority ~~((twenty five dollars per day))~~ compensation consistent with such authority's rates (but not to exceed one thousand dollars per year) for ((each full day)) time spent in the performance of ((his)) duties under this chapter, plus the actual and necessary expenses incurred by ((him)) the member in such performance. The board may appoint ~~((an executive director))~~ a control officer, and any other personnel, and shall determine their salaries, and pay same, together with any other proper indebtedness, from authority funds.

Sec. 706. RCW 70.94.141 and 1970 ex.s. c 62 s 56 are each amended to read as follows:

The board of any activated authority in addition to any other powers vested in them by law, shall have power to:

(1) Adopt, amend and repeal its own ~~((ordinances, resolutions, or))~~ rules and regulations, ~~((as the case may be,))~~ implementing this chapter and consistent with it, after consideration at a public hearing held in accordance with chapter ~~((42.32))~~ 42.30 RCW. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not

in conflict with chapter 42.30 RCW, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with chapter 34.08 RCW, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by an authority shall be in accordance with Part V of chapter 34.05 RCW. An air pollution control authority shall not be deemed to be a state agency.

(2) Hold hearings relating to any aspect of or matter in the administration of this chapter not prohibited by the provisions of chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(8) Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of this chapter.

Sec. 707. RCW 70.94.170 and 1969 ex.s. c 168 s 21 are each amended to read as follows:

Any activated authority which has adopted an ordinance, resolution, or valid rules and regulations as provided herein for the control and prevention of air pollution shall appoint a full time control officer, ~~((who))~~ whose sole responsibility shall be to observe and enforce the provisions of this chapter and all orders, ordinances, resolutions, or rules and regulations of such activated authority pertaining to the control and prevention of air pollution.

Sec. 708. RCW 70.94.231 and 1969 ex.s. c 168 s 29 are each amended to read as follows:

Upon the date that an authority begins to exercise its powers and functions, all ~~((districts formed as a district under chapter 70.94 RCW prior to June 8, 1967 which previously were wholly or partially composed of one or more cities or towns located within such activated authority shall be considered to be dissolved but its))~~ rules and regulations in force on such date shall remain in effect until superseded by the rules and regulations of the authority as provided in RCW 70.94.230. ~~((In such event, the board~~

~~of any such district shall proceed to wind up the affairs of the district in the same manner as if the district were dissolved as provided in RCW 70.94.260.)~~

Sec. 709. RCW 70.94.240 and 1969 ex.s. c 168 s 30 are each amended to read as follows:

The board of any authority ~~((shall))~~ may appoint an air pollution control advisory council to advise and consult with such board, and the control officer in effectuating the purposes of this chapter. The council shall consist of at least five appointed members who are residents of the authority and who are preferably skilled and experienced in the field of air pollution control, ~~((two))~~ chemistry, meteorology, public health, or a related field, at least one of whom shall serve as a representative~~((s))~~ of industry and one of whom shall serve as a representative of the environmental community. The ~~((chairman))~~ chair of the board of any such authority shall serve as ex officio member of the council and be its ~~((chairman))~~ chair. Each member of the council shall receive from the authority per diem and travel expenses in an amount not to exceed that provided for the state board in this chapter (but not to exceed one thousand dollars per year) for each full day spent in the performance of his or her duties under this chapter.

Sec. 710. RCW 70.94.331 and 1988 c 106 s 1 are each amended to read as follows:

(1) The department shall have all the powers as provided in RCW 70.94.141.

(2) The department, in addition to any other powers vested in it by law after consideration at a public hearing held in accordance with chapters 42.30 ~~((RCW))~~ and ~~((chapter))~~ 34.05 RCW shall:

(a) Adopt rules ~~((and regulations))~~ establishing air quality objectives and air quality standards;

(b) Adopt emission standards which shall constitute minimum emission standards throughout the state. An authority may enact more stringent emission standards, except for emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices which shall be state-wide, but in no event may less stringent standards be enacted by an authority without the prior approval of the department after public hearing and due notice to interested parties;

(c) Adopt by rule ~~((and regulation))~~ air quality standards and emission standards for the control or prohibition of emissions to the outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Such requirements may be based upon a system of classification by types of emissions or types of sources of emissions, or combinations thereof, which it determines most feasible for the purposes of this chapter. However, an industry, or the air pollution control authority having jurisdiction, can choose, subject to the submittal of appropriate data that the industry has quantified, to have any limit on the opacity of emissions from a source whose emission standard is stated in terms of a weight of particulate per unit volume of air (e.g., grains per dry standard cubic foot) be based on the applicable particulate emission standard for that source, such that any violation of the opacity limit accurately indicates a violation of the applicable particulate emission standard. Any alternative opacity limit provided by this section that would result in increasing air contaminants emissions in any nonattainment area shall only be granted if equal or greater emission reductions are provided for by the same source obtaining the revised opacity limit. A reasonable fee may be assessed to the industry to which the alternate opacity standard would apply. The fee shall cover only those costs to the air pollution control authority which are directly related to the determination on the acceptability of the alternate opacity standard, including testing, oversight and review of data.

(3) The air quality standards and emission standards may be for the state as a whole or may vary from area to area or source to source, except that emission performance standards for new wood stoves and opacity levels for residential solid fuel burning devices shall be state-wide, as may be appropriate to facilitate the accomplishment of the

objectives of this chapter and to take necessary or desirable account of varying local conditions of population concentration, the existence of actual or ~~((reasonable))~~ reasonably foreseeable air pollution, topographic and meteorologic conditions and other pertinent variables.

(4) The department is directed to cooperate with the appropriate agencies of the United States or other states or any interstate agencies or international agencies with respect to the control of air pollution and air contamination, or for the formulation for the submission to the legislature of interstate air pollution control compacts or agreements.

(5) The department is directed to conduct or cause to be conducted a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants and conduct or cause to be conducted a program to determine the quantity of emissions to the atmosphere.

(6) The department shall enforce the air quality standards and emission standards throughout the state except where a local authority is enforcing the state regulations or its own regulations which are more stringent than those of the state.

(7) The department shall encourage local units of government to handle air pollution problems within their respective jurisdictions; and, on a cooperative basis provide technical and consultative assistance therefor.

(8) The department shall have the power to require the addition to or deletion of a county or counties from an existing authority in order to carry out the purposes of this chapter ~~((PROVIDED, HOWEVER, That)).~~ No such addition or deletion shall be made without the concurrence of any existing authority involved. Such action shall only be taken after a public hearing held pursuant to the provisions of chapter 34.05 RCW.

(9) The department shall establish rules requiring sources or source categories to apply reasonable and available control methods. Such rules shall apply to those sources or source categories that individually or collectively contribute the majority of state-wide air emissions of each regulated pollutant. The department shall review, and if necessary, update its rules every five years to ensure consistency with current reasonable and available control methods. The department shall have adopted rules required under this subsection for all sources by July 1, 1996.

For the purposes of this section, "reasonable and available control methods" shall include but not be limited to, changes in technology, processes, or other control strategies.

Sec. 711. RCW 70.94.332 and 1987 c 109 s 18 are each amended to read as follows:

((Whenever the department of ecology has reason to believe that any provision of this chapter or any rule or regulation adopted by it or being enforced by it under RCW 70.94.410 relating to the control or prevention of air pollution has been violated, it may)) At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the department of ecology shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the department may require that the alleged violator or violators appear before it for the purpose of providing the department information pertaining to the violation or the charges complained of. ~~((In addition to or in place of an order or hearing, the department may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435))~~ Every notice of violation shall offer to the alleged violator an opportunity to meet with the department prior to the commencement of enforcement action.

Sec. 712. RCW 70.94.385 and 1987 c 109 s 41 are each amended to read as follows:

(1) Any authority may apply to the department for state financial aid. The department shall ~~((by rule and regulation))~~ annually establish the ~~((ratio))~~ amount of state

funds ~~((to))~~ available for the local ~~((funds))~~ authorities taking into consideration available federal and state funds. The establishment of funding amounts shall be consistent with federal requirements and local maintenance of effort necessary to carry out the provisions of this chapter. Any such aid shall be expended from the general fund or from ~~((such))~~ other appropriations as the legislature may provide for this purpose: PROVIDED, That federal funds shall be utilized to the maximum unless otherwise approved by the department: PROVIDED FURTHER, That the ~~((ratio))~~ amount of state funds provided to local ~~((funds-of))~~ authorities during the previous year shall not be ~~((changed))~~ reduced without a public notice or public hearing held by the department if requested by the affected local authority, unless such changes are the direct result of a reduction in the available federal funds for air pollution control programs.

(2) Before any such application is approved and financial aid is given or approved by the department, the authority shall demonstrate to the satisfaction of the department that it is fulfilling the requirements of ~~((RCW 70.94.380, or,))~~ this chapter. If the department has not adopted ambient air quality standards and objectives as permitted by RCW 70.94.331, the authority shall demonstrate to the satisfaction of the department that it is acting in good faith and doing all that is possible and reasonable to control and prevent air pollution within its jurisdictional boundaries and to carry out the purposes of this chapter.

(3) The department shall adopt rules ~~((and regulations))~~ requiring the submission of such information by each authority including the submission of its proposed budget and a description of its program in support of the application for state financial aid as necessary to enable the department to determine the need for state aid.

Sec. 713. RCW 70.94.395 and 1987 c 109 s 43 are each amended to read as follows:

If the department finds, after public hearing upon due notice to all interested parties, that the emissions from a particular type or class of air contaminant source should be regulated on a state-wide basis in the public interest and for the protection of the welfare of the citizens of the state, it may adopt and enforce rules ~~((and regulations))~~ to control and/or prevent the emission of air contaminants from such source ~~((:—PROVIDED, That))~~. An authority may, after public hearing and a finding by the board of a need for more stringent rules ~~((and regulations))~~ than those adopted by the department under this section, propose the adoption of such rules ~~((and regulations))~~ by the department for the control of emissions from the particular type or class ~~((or))~~ of air contaminant source within the geographical area of the authority. The department shall hold a public hearing and shall adopt the proposed rules ~~((and regulations))~~ within the area of the requesting authority, unless it finds that the proposed rules ~~((and regulations))~~ are inconsistent with the rules ~~((and regulations))~~ adopted by the department under this section ~~((:—PROVIDED, FURTHER, That))~~. When such standards are adopted by the department it shall delegate solely to the requesting authority all powers necessary for their enforcement at the request of the authority ~~((:—PROVIDED, That the department may delegate the responsibility for the enforcement of such rules and regulations to any authority which it deems capable of enforcing such regulations:—PROVIDED FURTHER, That))~~. If after public hearing the department finds that the regulation on a state-wide basis of a particular type ~~((of))~~ or class of air contaminant source is no longer required for the public interest and the protection of the welfare of the citizens of the state, the department may relinquish exclusive jurisdiction over such source.

Sec. 714. RCW 70.94.405 and 1987 c 109 s 45 are each amended to read as follows:

At any time after an authority has been activated for no less than one year, the department may, on its own motion, conduct a hearing held in accordance with chapters 42.30 ~~((RCW))~~ and ~~((chapter))~~ 34.05 RCW, ~~((as now or hereafter amended))~~ to determine whether or not the air pollution prevention and control program of such authority is being

carried out in good faith and is as effective as possible (~~under the circumstances~~). If at such hearing the department finds that such authority is not carrying out its air pollution control or prevention program in good faith, ~~((or))~~ is not doing all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction, or is not carrying out the provisions of this chapter, it shall set forth in a report or order to the appropriate authority: (1) Its recommendations as to how air pollution prevention and/or control might be more effectively accomplished; and (2) guidelines which will assist the authority in carrying out the recommendations of the department.

Sec. 715. RCW 70.94.410 and 1987 c 109 s 46 are each amended to read as follows:

(1) If, after thirty days from the time that the department issues a report or order to an authority under RCW 70.94.400 and 70.94.405, such authority has not taken ~~((any))~~ action which indicates that it is attempting in good faith to implement the recommendations or actions of the department as set forth in the report or order, the department may, by order, declare as null and void any or all ordinances, resolutions, rules or regulations of such authority relating to the control and/or prevention of air pollution, and at such time the department shall become the sole body with authority to make and enforce rules and regulations for the control and/or prevention of air pollution within the geographical area of such authority. ~~((In))~~ If this ~~((connection))~~ occurs, the department may assume all those powers which are given to it by law to effectuate the purposes of this chapter. The department may, by order, continue in effect and enforce ~~((those))~~ provisions of the ordinances, resolutions, or rules ~~((and regulations))~~ of such authority which are not less stringent than those requirements which the department may have found applicable to the area under RCW 70.94.331, until such time as the department adopts its own rules ~~((and regulations))~~. Any rules ~~((and regulations))~~ promulgated by the department shall be subject to the provisions of chapter 34.05 RCW ~~((as it now appears or may hereinafter be amended))~~. Any enforcement actions shall be subject to RCW 43.21B.300 or 43.21B.310.

(2) No provision of this chapter is intended to prohibit any authority from reestablishing its air pollution control program which meets with the approval of the department and which complies with the purposes of this chapter and with applicable rules ~~((and regulations))~~ and orders of the department.

(3) Nothing in this chapter shall prevent the department from withdrawing the exercise of its jurisdiction over an authority upon its own motion ~~((: PROVIDED, That))~~ if the department has found at a hearing held in accordance with chapters 42.30 ~~((RCW))~~ and ~~((chapter))~~ 34.05 RCW ~~((as now or hereafter amended))~~, that the air pollution prevention and control program of such authority will be carried out in good faith ~~((or))~~, that such program will do all that is possible and reasonable to control and/or prevent air pollution within the geographical area over which it has jurisdiction, and that the program complies with the provisions of this chapter. Upon the withdrawal of the department, the department shall prescribe certain recommendations as to how air pollution prevention and/or control is to be effectively accomplished and guidelines which will assist the authority in carrying out the recommendations of the department.

Sec. 716. RCW 70.94.420 and 1987 c 109 s 47 are each amended to read as follows:

~~((1))~~ It is declared to be the intent of the legislature of the state of Washington that any state department or agency having jurisdiction over any building, installation, ~~((or))~~ other property, or other activity creating or likely to create significant air pollution shall cooperate with the department and with air pollution control agencies in preventing and/or controlling the pollution of the air in any area insofar as the discharge of ~~((the matter))~~ air contaminants from or by such building, installation, ~~((or))~~ other property, or activity may cause or contribute to pollution of the air in such area. Such state

department or agency shall comply with the provisions of this chapter and with any ordinance, resolution, rule or regulation issued hereunder in the same manner as any other person subject to such laws(;) or rules ((or regulations)).

~~((2) In addition to its other powers and duties prescribed by law, the department may establish classes of potential pollution sources for which any state department or agency having jurisdiction over any building, installation, or other property, which is not located within the geographical boundaries of any authority which has an air pollution control and/or prevention program in effect, shall, before discharging any matter into the air, obtain a permit from the department for such discharge, such permits to be issued for a specified period of time to be determined by the department and subject to revocation if the department finds that such discharge is endangering the health and welfare of any persons. Such permits may also be required for any such building, installation, or other property which is located within the geographical boundaries of any authority which has an air pollution control and prevention program in effect if the standards set by the department for state departments and agencies are more stringent than those of the authority. In connection with the issuance of any permits under this section, there shall be submitted to the department such plans, specifications, and other information as it deems relevant thereto and under such other conditions as it may prescribe.))~~

NEW SECTION. Sec. 717. Sections 602 and 603 of this act shall take effect July 1, 1992. Sections 202 through 209 of this act shall take effect January 1, 1993. Sections 210 and 505 of this act shall take effect January 1, 1992.

The remainder of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 718. The following acts or parts of acts are each repealed:

- (1) RCW 70.120.110 and 1989 c 240 s 7, 1985 c 7 s 131, & 1979 ex.s. c 163 s 12;
- (2) RCW 70.120.140 and 1987 c 505 s 62 & 1980 c 176 s 5;
- (3) RCW 70.120.900 and 1989 c 240 s 9;
- (4) RCW 70.94.232 and 1983 c 3 s 177 & 1967 c 238 s 40;
- (5) RCW 70.94.680 and 1971 ex.s. c 232 s 4;
- (6) RCW 70.94.740 and 1972 ex.s. c 136 s 1;
- (7) RCW 70.94.810 and 1984 c 277 s 3;
- (8) RCW 70.94.815 and 1984 c 277 s 5;
- (9) RCW 70.94.825 and 1984 c 277 s 7; and
- (10) RCW 70.94.870 and 1984 c 164 s 3.

NEW SECTION. Sec. 719. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 720. Captions and headings as used in this act constitute no part of the law.

NEW SECTION. Sec. 721. A new section is added to chapter 70.94 RCW to read as follows:

This chapter shall be known and may be cited as the clean air Washington act.

On page 1, line 2 of the title, after "quality;" strike the remainder of the title and insert "amending RCW 70.94.011, 70.94.030, 70.120.010, 70.120.020, 70.120.070, 70.120.080, 70.120.120, 70.120.150, 70.120.170, 46.16.015, 82.44.020, 82.44.110, 82.44.150, 82.44.155, 82.44.180, 82.50.410, 82.50.510, 70.94.152, 70.94.155, 70.94.181, 70.94.205, 70.94.211, 70.94.430, 70.94.431, 70.94.860, 70.94.875, 70.94.745, 70.94.660, 70.94.670, 70.94.690, 70.94.650, 70.94.654, 70.94.775, 70.94.780, 70.94.750, 70.94.656, 70.94.457, 70.94.470, 70.94.473, 70.94.483, 70.94.041, 70.94.055, 70.94.092, 70.94.100, 70.94.130, 70.94.141, 70.94.170, 70.94.231, 70.94.240, 70.94.331, 70.94.332, 70.94.385, 70.94.395, 70.94.405, 70.94.410, and 70.94.420; reenacting and amending RCW

70.94.053; adding new sections to chapter 70.120 RCW; adding a new section to chapter 43.19 RCW; adding new sections to chapter 80.28 RCW; adding new sections to chapter 70.94 RCW; adding a new section to chapter 19.112 RCW; adding a new section to chapter 82.50 RCW; creating new sections; repealing RCW 70.120.110, 70.120.140, 70.120.900, 70.94.232, 70.94.680, 70.94.740, 70.94.810, 70.94.815, 70.94.825, and 70.94.870; prescribing penalties; providing effective dates; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1028.

Representatives Pruitt and Horn spoke in favor of the motion, and Mr. Fuhrman spoke against it. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1028 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1028 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 70, Nays - 26, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Beck, Betzoff, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Haugen, Hine, Holland, Horn, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Miller, Mitchell, Morris, Moyer, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Riley, Roland, Rust, Scott, Sheldon, Sommers, D., Spanel, Sprengle, Tate, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Basich, Belcher, Bowman, Brumsickle, Chandler, Edmondson, Fuhrman, Grant, Hargrove, Heavey, Hochstatter, Johnson P., Lisk, McLean, Mielke, Morton, Neher, Padden, Prince, Rasmussen, Rayburn, Schmidt, Silver, Valle, Zellinsky - 26.

Excused: Representatives Nealey, Sommers, H. - 02.

Engrossed Substitute House Bill NO. 1028 as amended by the Senate, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

Please note in the Journal that I am a "yes" vote on final passage of the Clean Air Washington Act, Engrossed Substitute House Bill No. 1028.

JENNIFER BELCHER, 22nd District.

On final passage of Engrossed Substitute House Bill No. 1028, Changes in Air Quality Laws, as amended by the Senate I had intended to vote "NO."

TIM SHELDON, 35th District.

My wish is to correct the "No" vote and vote "Yes" on final passage of Engrossed Substitute House Bill No. 1028 as amended by the Senate.

GEORGETTE VALLE, 34th District.

SENATE AMENDMENTS TO HOUSE BILL

April 16, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1885 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The teachers recruiting future teachers program is created within the office of the superintendent of public instruction to help enlarge the pool of qualified high school students who are motivated to become teachers.

(2) Subject to funds being appropriated, the superintendent of public instruction shall:

(a) Promote and replicate the teachers recruiting future teachers model program; and

(b) Promote and expand the annual education week program on the campus of Central Washington University or on the campuses of other interested state institutions of higher education.

(3) The superintendent of public instruction, working with the executive director of the teachers recruiting future teachers program and the director of the education week program at Central Washington University, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of this section.

NEW SECTION. Sec. 2. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1993, to the superintendent of public instruction for the purposes of section 1(2)(a) of this act.

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; and making an appropriation." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Cole moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1885 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives G. Fisher, Roland and Neher as conferees on Substitute House Bill No. 1885.

'SENATE AMENDMENTS TO HOUSE BILL

April 19, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9.94A.030 and 1990 c 3 s 602 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Drug offense" means:

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

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

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

(17) "Escape" means:

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

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

(18) "Felony traffic offense" means:

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

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

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

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

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

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

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

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

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

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

(26) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

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

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

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

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

(29) "Sex offense" means:

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

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

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

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

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

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

(33) "Violent offense" means:

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

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

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

(34) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with section 2 of this act. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385.

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

~~((35))~~ (36) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program. Home detention may be imposed for offenders convicted of burglary in the second degree as defined in

RCW 9A.52.030 or residential burglary conditioned upon the offender: (a) Successfully completing twenty-one days in a work release program, (b) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (d) having no prior charges of escape, and (e) fulfilling the other conditions of the home detention program.

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

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

Participation in a work crew is conditioned upon the offender's acceptance into the program, abstinence from alcohol and controlled substances as demonstrated by urinalysis and breathalyzer monitoring, with the cost of monitoring to be paid by the offender, unless indigent; and upon compliance with the rules of the program, which rules shall include the requirements that the offender work to the best of his or her abilities and that he or she provide the program with accurate, verified residence information. Work crew may be imposed simultaneously with electronic home detention.

Where work crew is imposed as part of a sentence of nine months or more, the offender must serve a minimum of thirty days of total confinement before being eligible for work crew.

An offender who has successfully completed four weeks of work crew at thirty-five hours per week shall thereafter receive credit toward the work crew sentence for hours worked at approved, verified employment. Such employment credit may be earned for up to twenty-four hours actual employment per week provided, however, that every such offender shall continue active participation in work crews projects according to a schedule approved by a work crew supervisor until the work crew sentence has been served.

The hours served as part of a work crew sentence may include substance abuse counseling and/or job skills training.

The civic improvement tasks performed by offenders on work crew shall be unskilled labor for the benefit of the community as determined by the head of the county executive branch or his or her designee. Civic improvement tasks shall not be done on private property unless it is owned or operated by a nonprofit entity, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. In case any dispute arises as to a civic improvement task having more than minimum negative impact on existing private industries or labor force in the county where their service or labor is performed, the matter shall be referred by an interested party, as defined in RCW 39.12.010(4), for arbitration to the director of the department of labor and industries of the state.

Whenever an offender receives credit against a work crew sentence for hours of approved, verified employment, the offender shall pay to the department administering the program the monthly assessment of an amount not less than ten dollars per month nor more than fifty dollars per month. This assessment shall be considered payment of the costs of providing the work crew program to an offender. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

(1) The offender has diligently attempted but has been unable to obtain employment that provided the offender sufficient income to make such payment.

(2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(4) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship.

(5) Other extenuating circumstances as determined by the court.

Sec. 3. RCW 9.94A.120 and 1990 c 3 s 705 are each amended to read as follows:

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

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

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

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

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than five years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum five-year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

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

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

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030 and/or perform community service work.

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

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

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

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

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

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

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

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

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

crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

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

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

the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

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

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

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

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

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

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

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

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

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

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

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

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for an offense categorized as a sex offense or a serious

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

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

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances; and

(v) The offender shall pay supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. RCW 9.94A.180 and 1988 c 154 s 4 are each amended to read as follows:

(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day or, if serving a work crew sentence shall comply with the conditions of that sentence as set forth in RCW 9.94A.030(23) and section 2 of this act. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release, work crew, or a program of home detention who violates the rules of the work release facility, work crew, or program of home detention or fails to remain employed or enrolled in school may be transferred to the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of confinement as total confinement. This subsection shall not affect transfer or placement of offenders committed to the state department of corrections.

Sec. 5. RCW 9.94A.190 and 1988 c 154 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

Sec. 6. RCW 9A.76.010 and 1979 c 155 s 35 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or

hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.120, 9.94A.180, 9.94A.190, and 9A.76.010; and adding a new section to chapter 9.94A RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Hargrove moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1780 and ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1426

April 23, 1991

Establishing the center for sustaining agriculture and natural resources and the food and environmental quality laboratory as research and extension programs of Washington State University.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426, WSU research/extension programs, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment, adopted as amended on 4/9/91, be adopted with the following changes:

On page 8, line 23, after "NEW SECTION. Sec. 10." strike all material through "dollars." on page 9, line 4.

On page 12, line 24, strike all of NEW SECTION. Sec. 16. and insert the following:

"NEW SECTION. Sec. 16. If specific funding for the purposes of sections 12 through 14 of this act, referencing sections 12 through 14 of this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 12 through 14 of this act shall be null and void."

On page 13, beginning on line 7 of the title amendment, strike "making an appropriation;"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Hayner, Jesernig; Representatives Rayburn, Bray, Nealey.

MOTION

Mr. Kremen moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1426. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1426 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1426 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Nealey, Sommers, H. - 02.

Engrossed Substitute House Bill No. 1426 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1510

April 24, 1991

Includes "New Item": YES

Changing provisions relating to guardianship.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510, Guardianship provisions, have had the same under consideration and we recommend that:

The Senate Committee on Children and Family Services amendment, adopted on 4/12/91, be adopted; and

The bill be further amended as follows:

On page 6, line 3, after "chapter 18.71 RCW" insert "or 18.57 RCW" and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, Stratton, Craswell; Representatives Appelwick, R. Meyers, Padden.

MOTION

Mr. Appelwick moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1510. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1510 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1510 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen,

Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Nealey, Sommers, H. - 02.

Engrossed Substitute House Bill No. 1510 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5188, and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Bluechel, Moore and Erwin, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Nelson moved that the House grant the request of the Senate for a conference on Substitute Senate Bill No. 5188. The motion was carried.

MESSAGE FROM THE SENATE

April 23, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5474, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Cole moved that the House insist on its position regarding the House amendments to Senate Bill No. 5474 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Peery, Jones and Neher as conferees on Senate Bill No. 5474.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 5670, and once again asks the House to concur therein, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Leonard moved that the House recede from its amendment on page 23, line 3, to Substitute Senate Bill No. 5670, insist on its amendment on page 19, line 11 and ask the Senate to concur therein.

Ms. Leonard spoke in favor of the motion, and it was carried.

MOTION

On motion of Mr. Wineberry, the House recessed until 3:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 3:30 p.m. The Clerk called the roll and all members were present except Representative Sprengle.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGES FROM THE SENATE

April 26, 1991

Mr. Speaker:

The Senate has receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1454, and has passed the bill without said amendment(s), and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 26, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427. The President has appointed the following members as Conferees: Senators Bluechel, Rinehart and Matson.

W. D. Naismith, Deputy Secretary.

April 26, 1991

Mr. Speaker:

The Senate refuses to recede from its amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, and grants the earlier request of the House for a Conference thereon. The President has appointed the following members as Conferees: Senators L. Smith, Kreidler and Johnson.

W. D. Naismith, Deputy Secretary.

April 26, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED HOUSE BILL NO. 2093. The President has appointed the following members as Conferees: Senators McDonald, Talmadge and Amondson.

W. D. Naismith, Deputy Secretary.

April 26, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096. The President has appointed the following members as Conferees: Senators Barr, Hansen and Newhouse, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 26, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5418. The President has appointed the following members as Conferees: Senators Nelson, Rasmussen and Thorsness, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 26, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SENATE BILL NO. 5477. The President has appointed the following members as Conferees: Senators Nelson, Oke and Conner, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MESSAGE FROM THE GOVERNOR

April 26, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and gentlemen:

I have the honor to advise you that on April 26, 1991, Governor Gardner approved the following House Bill entitled:

SUBSTITUTE HOUSE BILL NO. 2187: Relating to auctions conducted by nonprofit organizations.

Sincerely,
Thomas J. Felnagel, Counsel.

The Speaker (Mr. O'Brien presiding) called on Representative R. Meyers to preside.

SENATE AMENDMENTS TO HOUSE BILL

April 12, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 43.185.010 and 1986 c 298 s 1 are each amended to read as follows:

The legislature finds that current economic conditions, federal housing policies and declining resources at the federal, state, and local level adversely affect the ability of low and very low-income persons to obtain safe, decent, and affordable housing.

The legislature further finds that members of over one hundred twenty thousand households live in housing units which are overcrowded, lack plumbing, are otherwise threatening to health and safety, and have rents and utility payments which exceed thirty percent of their income.

The legislature further finds that minorities, rural households, and migrant farm workers require housing assistance at a rate which significantly exceeds their proportion of the general population.

The legislature further finds that one of the most dramatic housing needs is that of persons needing special housing-related services, such as the mentally ill, recovering alcoholics, frail elderly persons, families with members who have disabilities, and single parents. These services include medical assistance, counseling, chore services, and child care.

The legislature further finds that housing assistance programs in the past have often failed to help those in greatest need.

The legislature declares that it is in the public interest to establish a continuously renewable resource known as ((a)) the housing trust fund and housing assistance program to assist low and very low-income citizens in meeting their basic housing needs, and that the needs of very low-income citizens should be given priority and that whenever feasible, assistance should be in the form of loans.

NEW SECTION. Sec. 2. A new section is added to chapter 43.185 RCW to read as follows:

There is created within the department of community development the housing assistance program to carry out the purposes of this chapter.

Sec. 3. RCW 43.185.030 and 1987 c 513 s 6 are each amended to read as follows:

There is hereby created a fund in the office of the treasurer known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources. ~~((Eighty percent of the return on the fund in the form of investment income or interest shall be added to the principal of the fund. The remaining twenty percent shall be placed in the general fund.))~~

Sec. 4. RCW 43.185.050 and 1986 c 298 s 6 are each amended to read as follows:

(1) The department shall use ~~((funds))~~ moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. ~~((Not less than))~~ At least thirty percent of ~~((such funds))~~ these moneys used in any given ~~((biennium))~~ funding cycle shall be for the benefit of projects located in rural areas ~~((as defined in 63 Stat. 432, 42 U.S.C. Sec. 1471 et seq))~~ of the state as defined by the department of community development. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies ~~((in new construction or rehabilitated multifamily units));~~

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless;

(g) Mortgage subsidies ~~((for new construction or rehabilitation of eligible multifamily units)), including temporary rental and mortgage payment subsidies to prevent homelessness;~~

(h) Mortgage insurance guarantee or payments for eligible projects; ~~((and))~~

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and

(k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds and moneys from repayment of loans from appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (i), and (j) of this section, and not for the administrative costs of the department.

Sec. 5. RCW 43.185.070 and 1988 c 286 s 1 are each amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department ~~((from the housing trust fund, as prescribed in RCW 43.185.030))~~ for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources ~~((, but at least twice annually)).~~ The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department ~~((, not to)).~~ Administrative costs paid out of the housing trust fund may not exceed ~~((thirty seven thousand five hundred dollars in the fiscal year ending June 30, 1988, and seventy five thousand dollars in the fiscal year ending June 30, 1989, and not to exceed five))~~ four percent of annual revenues ~~((to the fund thereafter))~~ available for distribution to housing trust fund projects. In awarding

funds under this chapter, the department shall provide for a geographic distribution on a state-wide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. ~~((Such))~~ All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on the following criteria:

- (a) The degree of leveraging of other funds that will occur;
- (b) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;
- (c) Local government project contributions in the form of infrastructure improvements, and others;
- (d) Projects that encourage ownership, management, and other project-related responsibility opportunities;
- (e) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least ~~((fifteen))~~ twenty-five years;
- (f) The applicant has the demonstrated ability, stability and resources to implement the project;
- (g) Projects which demonstrate serving the greatest need; ~~((and))~~
- (h) Projects that provide housing for persons and families with the lowest incomes;
- (i) Project location and access to employment centers in the region or area; and
- (j) Project location and access to available public transportation services.

Sec. 6. RCW 43.185.080 and 1986 c 298 s 9 are each amended to read as follows:
 (1) The department may use moneys from the housing trust fund and other legislative appropriations, but not appropriations from capital bond proceeds, to provide preconstruction technical assistance to eligible recipients seeking to construct, rehabilitate, or finance housing-related services for very low and low-income persons. The department shall emphasize providing preconstruction technical assistance services to rural areas and small cities and towns. The department may contract with nonprofit organizations to provide this technical assistance. The department may contract for any of the following services:

- (a) Financial planning and packaging for housing projects, including alternative ownership programs, such as limited equity partnerships and syndications;
- (b) Project design, architectural planning, and siting;
- (c) Compliance with planning requirements;
- (d) Securing matching resources for project development;
- (e) Maximizing local government contributions to project development in the form of land donations, infrastructure improvements, waivers of development fees, locally and state-managed funds, zoning variances, or creative local planning;
- (f) Coordination with local planning, economic development, and environmental, social service, and recreational activities;
- (g) Construction and materials management; and
- (h) Project maintenance and management.

(2) The department shall publish requests for proposals which specify contract performance standards, award criteria, and contractor requirements. In evaluating

proposals, the department shall consider the ability of the contractor to provide technical assistance to low and very low-income persons and to persons with special housing needs.

NEW SECTION. Sec. 7. A new section is added to chapter 43.185 RCW to read as follows:

The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under RCW 43.185.050(2)(a), (i), and (j). These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

NEW SECTION. Sec. 8. A new section is added to chapter 43.185 RCW to read as follows:

If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 9. Sections 9 through 19 of this act may be known and cited as the affordable housing act.

NEW SECTION. Sec. 10. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental or private individual ownership which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income.

(2) "Department" means the department of community development.

(3) "Director" means the director of the department of community development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

NEW SECTION. Sec. 11. The affordable housing program is created in the department of community development for the purpose of developing and coordinating public and private resources targeted to meet the affordable housing needs of low-income households in the state of Washington. The program shall be developed and administered by the department with advice and input from the low-income assistance advisory committee established in RCW 43.185.110.

NEW SECTION. Sec. 12. (1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds and moneys from repayment of loans from appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

NEW SECTION. Sec. 13. Organizations that may receive assistance from the department under this chapter are local governments, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or state-wide nonprofit housing assistance organizations.

NEW SECTION. Sec. 14. (1) During each calendar year in which funds are available for use by the department for the affordable housing program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department, not to exceed five percent of moneys appropriated to the affordable housing program.

(2) The department shall develop, with advice and input from the low-income assistance advisory committee established in RCW 43.185.110, criteria to evaluate applications for assistance under this chapter.

NEW SECTION. Sec. 15. The department shall adopt policies to ensure that the state's interest will be protected upon either the sale or change of use of projects financed in whole or in part under section 12(2) (a), (c), (d), and (e) of this act. These policies may include, but are not limited to: (1) Requiring a share of the appreciation in the project in proportion to the state's contribution to the project; (2) requiring a lump-sum repayment of the loan or grant upon the sale or change of use of the project; or (3) requiring a deferred payment of principal or principal and interest on loans after a specified time period.

NEW SECTION. Sec. 16. The director shall monitor the activities of recipients of grants and loans under this chapter to determine compliance with the terms and conditions set forth in its application or stated by the department in connection with the grant or loan.

NEW SECTION. Sec. 17. The department shall have the authority to promulgate rules pursuant to chapter 34.05 RCW, regarding the grant and loan process, and the substance of eligible projects, consistent with this chapter.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 20. Sections 9 through 19 of this act shall constitute a new chapter in Title 43 RCW.

On page 1, line 1 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, and 43.185.080; and adding new sections to chapter 43.185 RCW; and adding a new chapter to Title 43 RCW."

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Nelson moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1624. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1624 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1624 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sprenkle - 01.

Engrossed Substitute House Bill No. 1624 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1954, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SHB 1954

April 25, 1991

Includes "New Item": YES

Changing conditions and limitations on agricultural nuisances.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1954, Agricultural nuisances, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment, adopted as amended on 4/5/91, be adopted with the following change:

On page 1, line 18, after "restricted" strike all material through "week." on line 19, and insert "as to the time during which it may be conducted."

Nothing in this section shall affect or impair any right to sue for damages. and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Hansen, Newhouse; Representatives Rayburn, Kremen, Nealey.

MOTION

Mr. Rayburn moved that the House adopt the Report of Conference Committee on Substitute House Bill No. 1954. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 1954 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1954 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sprengle - 01.

Substitute House Bill No. 1954 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate refuses to grant the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5202, and insists on its position regarding the House amendment, and again asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Appelwick moved that the House insist on its position regarding the House amendment on page 5, after line 21, to Substitute Senate Bill No. 5202 and again ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Heavey, Cole and Fuhrman as conferees on Engrossed Substitute Senate Bill No. 5526.

REPORT OF CONFERENCE COMMITTEE

SB 5475

April 24, 1991

Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5475, authorizing honorary degrees, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and

The following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the quality of undergraduate education is enhanced by association with graduate assistants from other countries who can effectively communicate their knowledge and diverse cultural backgrounds.

It is the intent of the legislature to assist the institutions in their effort to improve the quality of undergraduate education at the state's four-year colleges and universities. Attainment of an excellent education is facilitated when communication is clear, concise, sensitive to cultural differences, and demonstrative of proven pedagogical skills. It is the further intent of the legislature to assure students and parents that graduate teaching assistants at our state institutions of higher education are able to communicate effectively and understandably with undergraduate students.

NEW SECTION. Sec. 2. The Washington state legislature affirms the following principles:

(1) Washington's college and university students are entitled to excellent instruction at the state's institutions of higher education. Excellent education requires the ability to communicate effectively in college classrooms and laboratories.

(2) The presence of students, faculty, and staff from other countries on Washington's college campuses enriches the educational experience of Washington's students and enhances scholarship and research at the state's colleges and universities.

(3) With the exception of courses designed to be taught primarily in a foreign language, undergraduate students shall be provided with classroom instruction, laboratory instruction, clinics, seminars, studios, and other participatory and activity courses by a person fluent in both the spoken and written English language.

(4) Persons of all nationalities, races, religions, and ethnic backgrounds are welcome and valued in the state of Washington.

NEW SECTION. Sec. 3. The governing board of each state university, regional university, state college, and community college shall ensure that the principles in section 1 of this act are implemented at its institution of higher education.

NEW SECTION. Sec. 4. The council of presidents, in consultation with the higher education coordinating board, shall convene a task force of representatives from the four-year universities and colleges. The task force shall:

(1) Review institutional policies and procedures designed to ensure that faculty and teaching assistants are able to communicate effectively with undergraduate students in classrooms and laboratories;

(2) Research methods and procedures designed to improve the communication and teaching skills of any person funded by state money who instructs undergraduate students in classrooms and laboratories;

(3) Share the results of that research with each participating university and college; and

(4) Work with each participating university and college to assist the institution in its efforts to improve the communication and pedagogical skills of faculty and teaching assistants instructing undergraduate students.

NEW SECTION. Sec. 5. The legislature finds that sick leave policies for faculty members and administrators at the state's institutions of higher education are inconsistent. The legislature further finds that sick leave policies for faculty and administrators at some institutions of higher education differ substantially from policies for other state employees. It is the intent of the legislature that sick leave policies are uniform and consistent for all faculty and administrators hired after May 1, 1992, at the state's community colleges, regional universities, state college and research universities.

NEW SECTION. Sec. 6. The higher education coordinating board, in consultation with the state board for community college education, shall study institutional sick leave policies and shall recommend a mandated uniform and consistent policy for all faculty and administrators hired after May 1, 1992, at all public higher education institutions. By December 1, 1991, the uniform policy, and proposed legislation to implement that policy, shall be submitted to the senate and house committees on higher education.

NEW SECTION. Sec. 7. The higher education coordinating board shall establish an advisory committee on access to higher education for students with disabilities. The committee shall include but need not be limited to representation from the following: Students with disabilities, coordinators of services for students with disabilities, the governor's committee on disability issues and employment, and agencies and organizations that work with or represent persons with disabilities.

NEW SECTION. Sec. 8. In consultation with the advisory committee on access to higher education for students with disabilities the board shall:

(1) Inventory existing campus and agency resources available to address the accommodation needs of students with disabilities;

(2) Distribute the inventory to institutions of higher education and to the superintendent of public instruction for further distribution to appropriate personnel in the K-12 system;

(3) Survey institutions of higher education and students with disabilities to identify specific services that have been requested but not provided;

(4) Report the results of the survey, with recommendations on a phased plan to meet identified needs in priority order, to the governor, the house of representatives and senate higher education and fiscal committees, and the institutions of higher education;

(5) In coordination with the state board for community college education, conduct a state-wide training workshop for coordinators of services for students with disabilities.

NEW SECTION. Sec. 9. Sections 7 and 8 of this act are each added to chapter 28B.80 RCW.

Sec. 10. RCW 28B.108.010 and 1990 c 287 s 2 are each amended to read as follows:

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

(1) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the higher education coordinating board.

(2) "Board" means the higher education coordinating board.

(3) "Eligible student" or "student" means an American Indian (~~student as defined by the board in consultation with the advisory committee described in RCW 28B.108.030,~~) who is a financially needy student, as defined in RCW 28B.10.802, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

Sec. 11. RCW 28B.108.030 and 1990 c 287 s 4 are each amended to read as follows:

The higher education coordinating board shall establish an advisory committee to assist in program design and to develop criteria for the screening and selection of scholarship recipients. The committee shall be composed of representatives of the same groups as the screening committee described in RCW 28B.108.020. ~~((These))~~ The criteria shall assess the student's social and cultural ties to an American Indian community within the state. The criteria shall include a priority for upper-division or graduate students. The criteria may include a priority for students who are majoring in program areas in which expertise is needed by the state's American Indians.

Sec. 12. RCW 28B.108.070 and 1990 c 287 s 8 are each amended to read as follows:

The higher education coordinating board may request that the treasurer deposit ~~((five hundred))~~ fifty thousand dollars of state matching funds into the American Indian scholarship endowment fund when the board can match the state funds with an equal amount of private cash donations. Private cash donations means moneys from nonstate sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION. Sec. 13. It is the intent of the legislature to enable Washington residents who have actively served in the Persian Gulf combat zone to attend any Washington institution of higher education at 1990 tuition rates.

NEW SECTION. Sec. 14. A new section is added to chapter 28B.15 RCW to read as follows:

A veteran of the Persian Gulf combat zone shall be exempted from increases in tuition and fees at any public institution of higher education that occur during and after

their period of service, and shall not be required to pay more than the total amount of tuition and fees established for the 1990-91 academic year, if the veteran could have qualified as a Washington resident student under RCW 28B.15.012(2), had he or she been enrolled as a student on August 1, 1990, and if the veteran's adjusted gross family income as most recently reported to the internal revenue service does not exceed Washington state's median family income as established by the federal bureau of the census. For the purposes of this section, "a veteran of the Persian Gulf combat zone" means a person who during any portion of calendar year 1991 served in active federal service as a member of the armed military or naval forces of the United States in a combat zone as designated by the president of the United States by executive order.

NEW SECTION. Sec. 15. Sections 13 and 14 of this act shall expire on June 30, 1994.

NEW SECTION. Sec. 16. Sections 1 through 4 of this act are each added to Title 28B RCW.

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.108.010, 28B.108.030, and 28B.108.070; adding new sections to Title 28B RCW; adding new sections to chapter 28B.80 RCW; adding a new section to chapter 28B.15 RCW; creating new sections; and providing an expiration date." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Saling, Bauer; Representatives Jacobsen, Ogden, Wood.

MOTION

Mr. Jacobsen moved that the House adopt the Report of Conference Committee on Senate Bill No. 5475. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5475 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5475 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sprenkle - 01.

Senate Bill No. 5475 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5184, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wineberry moved that the rules be suspended and that Engrossed Substitute Senate Bill No. 5184 be returned to second reading for purpose of amendment. The motion was carried.

MOTION FOR RECONSIDERATION

Mr. Wineberry, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the committee amendment by Committee on Higher Education was adopted by the House. The motion was carried.

RECONSIDERATION

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be the committee amendment by Committee on Higher Education.

Mr. Jacobsen moved adoption of the following amendments by Representatives Jacobsen and Prince to the committee amendment:

On page 4, line 1 of the amendment, after "Sec. 3." insert "(1)"

On page 4, after line 9 of the amendment, insert the following:

"(2)(a) The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a state-wide business organization representing a cross-section of industries. However,

the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by state-wide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(f) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(g) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by state-wide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. The lists compiled by the committee shall not be subject to public disclosure. The governor may dismiss the director only with the approval of a majority vote of the board. The board, by a majority vote, may dismiss the director with the approval of the governor.

On page 4, after line 9 of the amendment, insert the following:

"(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the work force training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the work force training and education coordinating board.

On page 4, beginning on line 16 of the amendment, strike all of section 5

Remember the remaining sections consecutively and correct any internal references accordingly.

On page 12, beginning on line 1 of the amendment, strike all of section 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Jacobsen and Prince spoke in favor of adoption of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Ebersole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5184 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Braddock, Leonard, Miller, Prentice - 04.

Absent: Representative Sprengle - 01.

Engrossed Substitute Senate Bill No. 5184 as amended by the House, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 23, 1991

Mr. Speaker:

The Senate suspended the rules, returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120 to second reading, and passed the bill with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.16.010 and 1985 c 146 s 1 are each amended to read as follows:

Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commission" shall mean the Washington horse racing commission, hereinafter created.

"Parimutuel machine" shall mean and include both machines at the track and machines at the satellite locations, that record parimutuel bets and compute the payoff.

"Person" shall mean and include individuals, firms, corporations and associations.

"Race meet" shall mean and include any exhibition of thoroughbred, quarter horse, paint horse, appaloosa horse racing, arabian horse racing, or standard bred harness horse racing, where the parimutuel system is used.

Singular shall include the plural, and the plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

Sec. 2. RCW 67.16.014 and 1987 c 453 s 3 are each amended to read as follows:

In addition to the commission members appointed under RCW 67.16.012, there shall be four ex officio nonvoting members consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; and (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives. The appointments shall be for the term of two years or for the period in which the appointee serves as a legislator, whichever expires first. Members may be reappointed, and vacancies shall be filled in the same manner as original appointments are made. The ex officio members shall assist in the policy making, rather than administrative, functions of the commission, and shall collect data deemed essential to future legislative proposals and exchange information with the commission. The ex officio members shall be deemed engaged in legislative business while in attendance upon the business of the commission and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the horse racing commission fund as being expenses relative to commission business.

~~((This section shall expire on October 31, 1991.))~~

Sec. 3. RCW 67.16.060 and 1985 c 146 s 4 are each amended to read as follows:

(1) It shall be unlawful:

(a) To conduct pool selling, bookmaking, or to circulate hand books; or

(b) To bet or wager on any horse race other than by the parimutuel method; or

(c) For any licensee to take more than the percentage provided in RCW 67.16.170 and 67.16.175; or

(d) For any licensee to compute breaks in the parimutuel system otherwise than at ten cents.

(2) Any willful violation of the terms of this chapter, or of any rule, regulation, or order of the commission shall constitute a gross misdemeanor and when such violation is by a person holding a license under this chapter, the commission may cancel the license held by the offender, and such cancellation shall operate as a forfeiture of all rights and privileges granted by the commission and of all sums of money paid to the commission by the offender; and the action of the commission in that respect shall be final.

(3) The commission shall have power to exclude from any and all race courses of the state of Washington any person whom the commission deems detrimental to the best interests of racing or any person who willfully violates any of the provisions of this chapter or of any rule, regulation, or order issued by the commission.

(4) Every race meet held in this state contrary to the provisions of this chapter is hereby declared to be a public nuisance.

Sec. 4. RCW 67.16.100 and 1985 c 466 s 67 & 1985 c 146 s 6 are each reenacted and amended to read as follows:

~~((In addition to the license fees required by this chapter, the licensee shall pay to the commission the percentages of the gross receipts of all parimutuel machines at each race meet in accordance with RCW 67.16.105, which sums shall be paid daily to the commission.))~~

(1) All sums paid to the commission under this chapter, ((together with all)) including those sums collected for license fees ((under the provisions of this chapter)) and excluding those sums collected under RCW 67.16.102, 67.16.105(3), and 67.16.105(4), shall be disposed of by the commission as follows:

~~((Twenty-two))~~ (a) Fifty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission.

~~((Forty))~~ (b) One percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund~~((and))~~.

(c) Three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of trade and economic development for the sole purpose of assisting state trade fairs.

~~((Thirty-five))~~ (d) ~~Forty-six~~ percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW.

(2) Any moneys collected or paid to the commission under the terms of this chapter and not expended at the close of the fiscal biennium shall be paid to the state treasurer and be placed in the general fund. The commission may, with the approval of the office of financial management, retain any sum required for working capital.

Sec. 5. RCW 67.16.102 and 1982 c 132 s 5 are each amended to read as follows:

(1) Notwithstanding any other provision of chapter 67.16 RCW to the contrary the licensee shall withhold and shall pay daily to the commission, in addition to the percentages authorized by ~~((RCW 67.16.100 and 67.16.130, as now or hereafter amended, and))~~ RCW 67.16.105, one percent of the gross receipts of all parimutuel machines at each race meet which sums shall, at the end of each meet, be paid by the commission to the licensed owners of those horses finishing first, second, third and fourth Washington bred only at each meet from which the additional one percent is derived in accordance with an equitable distribution formula to be promulgated by the commission prior to the commencement of each race meet: PROVIDED, That nothing in this section shall apply to race meets which are nonprofit in nature, ~~((or))~~ are of ten days or less ~~((or which))~~, and have an average daily handle of less than one hundred twenty thousand dollars: PROVIDED, That the additional one percent of the gross receipts of all parimutuel machines at each race meet and the amount retained by the commission as specified in RCW 67.16.100~~(1)(a)~~ shall be deposited daily in a time deposit by the commission and the interest derived therefrom shall be distributed annually on an equal basis to those race courses at which independent race meets are held which are nonprofit in nature and are of ten days or less: PROVIDED, That prior to receiving a payment under this section any new race course shall meet the qualifications set forth in this section for a period of two years: PROVIDED, FURTHER, That said distributed funds shall be used for the purpose of maintaining and upgrading the respective racing courses and equine quartering areas of said nonprofit meets. The commission shall not permit the licensees to take into consideration the benefits derived from this section in establishing purses.

(2) The commission is authorized to pay at the end of the calendar year one-half of the one percent collected from a new licensee under subsection (1) of this section for reimbursement of capital construction of that new licensee's new race track for a period of five years. This reimbursement does not include interest earned on that one-half of one percent and such interest shall continue to be collected and disbursed as provided in RCW 67.16.101 and subsection (1) of this section.

Sec. 6. RCW 67.16.105 and 1987 c 347 s 4 are each amended to read as follows:

~~((Except as provided for satellite wagers in RCW 67.16.210, the licensee shall pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:~~

~~(1) One-half percent of the daily gross receipts, if the daily gross receipts are two hundred thousand dollars or less;~~

~~(2) One percent of the daily gross receipts, if the daily gross receipts are two hundred thousand one dollars to four hundred thousand dollars; and~~

~~(3) Four percent of the daily gross receipts if the daily gross receipts are four hundred thousand one dollars or more.)) (1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less shall withhold and pay to the commission daily for each authorized day of racing one-half percent of the daily gross receipts from all parimutuel machines at each race meet.~~

(2) Licensees of race meets that do not fall under subsection (1) of this section shall withhold and pay to the commission daily for each authorized day of racing the following applicable percentage of all daily gross receipts from all parimutuel machines at each race meet:

(a) If the daily gross receipts of all parimutuel machines are more than two hundred fifty thousand dollars, the licensee shall withhold and pay to the commission daily two and one-half percent of the daily gross receipts; and

(b) If the daily gross receipts of all parimutuel machines are two hundred fifty thousand dollars or less, the licensee shall withhold and pay to the commission daily one percent of the daily gross receipts.

(3) In addition to those amounts in subsections (1) and (2) of this section, all licensees shall forward one-tenth of one percent of the daily gross receipts of all parimutuel machines to the commission daily for payment to those nonprofit race meets as set forth in RCW 67.16.130 and subsection (1) of this section, but said percentage shall not be charged against the licensees. The total of such payments shall not exceed one hundred fifty thousand dollars in any one year and any amount in excess of one hundred fifty thousand dollars shall be remitted to the general fund. Payments to nonprofit race meets under this subsection shall be distributed on a pro rata per-race-day basis and used only for purses at race tracks that have been operating under RCW 67.16.130 and subsection (1) of this section for the five consecutive years immediately preceding the year of payment.

(4) In addition to those sums paid to the commission in subsection (2) of this section, licensees who are nonprofit corporations and have race meets of thirty days or more shall withhold and pay to the commission daily for each authorized day of racing an amount equal to two and one-half percent of the daily gross receipts of all parimutuel machines at each race meet. Said percentage shall come from that amount the licensee is authorized to retain under RCW 67.16.170(2). The commission shall deposit these moneys in the Washington thoroughbred racing fund created in section 12 of this act.

Sec. 7. RCW 67.16.130 and 1985 c 146 s 8 are each amended to read as follows:

(1) Notwithstanding any other provision of law or of chapter 67.16 RCW, the commission may license race meets which are nonprofit in nature, of ten days or less, and which have an average daily handle of one hundred twenty thousand dollars or less, at a daily licensing fee of ten dollars, and the sponsoring nonprofit association shall be exempt from any other fees as provided for in chapter 67.16 RCW or by rule or regulation of the commission: PROVIDED, That the commission (~~on or after January 1, 1971~~) may deny the application for a license to conduct a racing meet by a nonprofit association, if same shall be determined not to be a nonprofit association by the Washington state racing commission.

(2) ~~((Notwithstanding any other provision of law or of chapter 67.16 RCW the licensees of race meets which are nonprofit in nature, of ten days or less, and which have~~

~~an average daily handle of one hundred twenty thousand dollars or less, shall withhold and shall pay daily to the commission the percentages authorized by RCW 67.16.105, 67.16.170, and 67.16.175.~~

(3)) Notwithstanding any other provision of law or of chapter 67.16 RCW or any rule promulgated by the commission, no license for a race meet which is nonprofit in nature, of ten days or less, and which has an average daily handle of one hundred twenty thousand dollars or less, shall be denied for the reason that the applicant has not installed an electric parimutuel tote board.

((4)) (3) As a condition to the reduction in fees as provided for in subsection (1) (hereof) of this section, all fees charged to horse owners, trainers, or jockeys, or any other fee charged for a permit incident to the running of such race meet shall be retained by the commission as reimbursement for its expenses incurred in connection with the particular race meet.

Sec. 8. RCW 67.16.170 and 1987 c 347 s 2 are each amended to read as follows:

~~((Except as provided for satellite wagers in RCW 67.16.220, race meets which have gross receipts of all parimutuel machines for each authorized day of racing may retain the following from the daily gross receipts of all parimutuel machines:~~

~~(1) On a daily handle of two hundred thousand dollars or less, the licensee shall retain fourteen and one-half percent of such gross receipts;~~

~~(2) On a daily handle of two hundred thousand one dollars to four hundred thousand dollars, the licensee shall retain fourteen percent of such gross receipts; and~~

~~(3) On a daily handle of four hundred thousand one dollars or more, the licensee shall retain eleven percent of such gross receipts.)~~ (1) Licensees of race meets that are nonprofit in nature, are of ten days or less, and have an average daily handle of one hundred twenty thousand dollars or less may retain daily for each authorized day of racing fourteen and one-half percent of daily gross receipts of all parimutuel machines at each race meet.

(2) Licensees of race meets that do not fall under subsection (1) of this section may retain daily for each authorized day of racing the following percentages from the daily gross receipts of all parimutuel machines at each race meet:

(a) If the daily gross receipts of all parimutuel machines are more than two hundred fifty thousand dollars, the licensee may retain daily twelve and one-half percent of the daily gross receipts; and

(b) If the daily gross receipts of all parimutuel machines are two hundred fifty thousand dollars or less, the licensee may retain daily fourteen percent of the daily gross receipts.

Sec. 9. RCW 67.16.175 and 1987 c 453 s 1 & 1987 c 347 s 3 are each reenacted and amended to read as follows:

(1) ~~((Except as provided for satellite wagers in RCW 67.16.210 and 67.16.220, daily gross receipts of all parimutuel machines from wagers on exotic races shall be distributed according to this section:~~

~~(a) In addition to the amounts set forth in RCW 67.16.105, an additional two and five-tenths percent of gross receipts on races with two or more selections and three and five-tenths percent of gross receipts on races with three or more selections shall be paid to the commission. The commission shall retain thirty one percent of the additional percentages from exotic races and shall forward the balance to the state treasurer daily for deposit in the general fund.~~

~~(b) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional three percent of the daily gross receipts of all parimutuel machines from wagers on exotic races requiring two selections to be used as provided in subsection (2) of this section.~~

~~(c) In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain an additional six percent of the daily gross receipts of all parimutuel~~

~~machines from wagers on exotic races requiring three or more selections to be used as provided in subsection (2) of this section.)~~ In addition to the amounts authorized to be retained in RCW 67.16.170, race meets may retain daily for each authorized day of racing an additional six percent of the daily gross receipts of all parimutuel machines from exotic wagers at each race meet.

(2) Of the amounts retained in subsection (1) ~~((b) and (c))~~ of this section, ~~((one percent))~~ one-sixth shall be used for Washington-bred breeder awards ~~((, not to exceed twenty percent of the winner's share of the purse)).~~

~~(3) ((Any portion of the remaining moneys retained in subsection (1) (b) and (c) of this section shall be shared equally by the race track and participating horsemen. The amount shared by participating horsemen shall be in addition to and shall not supplant the customary purse structure between race tracks and participating horsemen.))~~ Of the amounts retained for breeder awards under subsection (2) of this section, twenty-five percent shall be retained by a new licensee for reimbursement of capital construction of the new licensee's new race track for a period of five years.

(4) As used in this section, "exotic ~~((races))~~ wagers" means any multiple wager. Exotic ~~((races))~~ wagers are subject to approval of the commission.

Sec. 10. RCW 67.16.200 and 1987 c 347 s 1 are each amended to read as follows:

(1) A racing association licensed by the commission to conduct a race meet may seek approval from the commission to conduct parimutuel wagering on its program at a satellite location or locations within the state of Washington. The sale of parimutuel pools at satellite locations shall be conducted only during the licensee's race meet and simultaneous to all parimutuel wagering activity conducted at the licensee's racing facility in the state of Washington. The commission's authority to approve satellite wagering at a particular location is subject to the following limitations:

(a) The commission may approve only one satellite location in each county in the state; however, the commission may grant approval for more than one licensee to conduct wagering at each satellite location.

(b) The commission shall not allow a licensee to conduct satellite wagering at a satellite location within ~~((fifty air))~~ twenty ground miles of the licensee's racing facility. For purposes of this section, "ground miles" means miles measured from point to point in a straight line.

~~(c)(i) The commission may allow a licensee to conduct satellite wagering at a satellite location within fifty ((air)) ground miles of the racing facility of another licensee who conducts race meets of thirty days or more, but only if the satellite location is the racing facility of another licensee who conducts race meets of thirty days or more and only if the licensee seeking to conduct satellite wagering suspends its program during the conduct of the meets of all licensees within fifty ((air)) ground miles; except that the commission may allow a licensee that conducts satellite wagering at another track, pursuant to this subsection, to use other satellite locations, used by that track with the approval of the owner of that track, even though those satellite locations are within a fifty ground mile radius.~~

~~(ii) Subject to subsection (1)(c)(i) of this section, the commission may allow a licensee to conduct satellite wagering at a satellite location within fifty ((air)) ground miles of the racing facility of another licensee who conducts race meets of under thirty days, but only if the licensee seeking to conduct satellite wagering suspends its satellite program during the conduct of the meets of all licensees within fifty ((air)) ground miles.~~

(2) Subject to local zoning and other land use ordinances, the commission shall be the sole judge of whether approval to conduct wagering at a satellite location shall be granted.

(3) The licensee shall combine the parimutuel pools of the satellite location with those of the racing facility for the purpose of determining odds and computing payoffs. The amount wagered at the satellite location shall be combined with the amount wagered

at the racing facility for the application of take out formulas and distribution as provided in RCW 67.16.102, 67.16.105, (~~67.16.130~~) 67.16.170, and 67.16.175(~~67.16.210, and 67.16.220~~). A satellite extension of the licensee's racing facility shall be subject to the same application of the rules of racing as the licensee's racing facility.

Sec. 11. RCW 67.16.230 and 1987 c 347 s 7 are each amended to read as follows:

The commission is authorized to establish and collect an annual fee for each separate satellite location. The fee to be collected from the licensee shall be set to reflect the commission's expected costs of approving, regulating, and monitoring each satellite location, provided commission revenues generated under RCW (~~67.16.210~~) 67.16.105 from the licensee shall be credited annually towards the licensee's fee assessment under this section.

NEW SECTION. Sec. 12. A new section is added to chapter 67.16 RCW to read as follows:

The Washington thoroughbred racing fund is created in the state treasury. All receipts derived under RCW 67.16.105(4) from licensees who are nonprofit corporations and whose race meets are thirty days or more shall be deposited into the account. Moneys in the account may be spent only after legislative appropriation. Expenditures from the account shall be expended to benefit and support interim continuation of thoroughbred racing, capital construction of a new race track facility, and programs enhancing the general welfare, safety, and advancement of the Washington thoroughbred racing industry.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 67.16.210 and 1987 c 347 s 5;
- (2) RCW 67.16.220 and 1987 c 347 s 6;
- (3) RCW 67.16.910 and 1990 c 297 s 24; and
- (4) RCW 67.16.911 and 1990 c 297 s 25.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "racing;" strike the remainder of the title and insert "amending RCW 67.16.010, 67.16.014, 67.16.060, 67.16.102, 67.16.105, 67.16.130, 67.16.170, 67.16.200, and 67.16.230; reenacting and amending RCW 67.16.100 and 67.16.175; adding a new section to chapter 67.16 RCW; repealing RCW 67.16.210, 67.16.220, 67.16.910, and 67.16.911; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1120. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1120 as amended by the Senate.

Representatives Roland and Fomer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1120 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Bray, Rust - 02.

Absent: Representative Sprengle - 01.

Engrossed Substitute House Bill No. 1120 as amended by the Senate, having received the constitutional majority, was declared passed.

ANNOUNCEMENT BY THE SPEAKER

The Speaker (Mr. R. Meyers presiding) announced that Representative Belcher would replace Representative Cantwell as conferee on Engrossed Substitute House Bill No. 1341 and Engrossed Substitute Senate Bill No. 5555.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.
The Speaker (Mr. R. Meyers presiding) called the House to order.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Nelson, Leonard and Mitchell as conferees on Substitute Senate Bill No. 5188.

MESSAGE FROM THE SENATE

April 26, 1991

Mr. Speaker:

The Senate adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1452, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SHB 1452

April 25, 1991

Includes "New Item": YES

Creating the high-speed ground transportation steering committee.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1452, High-speed ground transportation committee, have had the same under consideration and we recommend that:

The Senate Transportation Committee amendments be adopted with the following changes:

On page 1, line 22 of the amendment, after "effort." strike everything through "system." on page 2, line 2

On page 4, line 13 of the amendment, strike all of section 5, renumber the remaining sections consecutively, and correct internal references accordingly

On page 6, line 20 of the amendment, after "act" strike everything through "more" on line 24

On page 6, line 25 of the amendment, after "through" strike "7" and insert "6" and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Patterson, Skratek, Nelson; Representatives R. Fisher, G. Fisher, Chandler.

MOTION

Ms. R. Fisher moved that the House adopt the Report of Conference Committee on Substitute House Bill No. 1452. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1452 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1452 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sprenkle - 01.

Substitute House Bill No. 1452 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 26, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SENATE BILL NO. 5474. The President has appointed the following members as Conferees: Senators Craswell, Pelz and Erwin, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 26, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1885. The President has appointed the following members as Conferees: Senators Craswell, Murray and Oke.

W. D. Naismith, Deputy Secretary.

MESSAGE FROM THE SENATE

April 26, 1991

Mr. Speaker:

The Senate adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1877

April 25, 1991

Includes "New Item": YES

Creating the Olympic natural resources center.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877, Olympic natural resources center, have had the same under consideration and we recommend that:

The Senate amendment by Senator Owen be not adopted; and

That ESHB 1877 be amended as follows:

On page 3, beginning on line 16, after "to" strike all material through "ecosystems" on line 17, and insert "integrate the production of commodities with the preservation of ecological values"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Snyder, Metcalf; Representatives Belcher, Hargrove, Brumsickle.

MOTION

Ms. Belcher moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1877. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1877 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1877 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sprenkle - 01.

Engrossed Substitute House Bill No. 1877 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 1991

Mr. Speaker:

The Senate adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2141, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

EHB 2141

April 25, 1991
Includes "New Item": YES

Establishing a state oral history program.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2141, State oral history program, have had the same under consideration and we recommend that:

The Senate amendments to page 2, line 7, adopted on 4/3/91, not be adopted; and

The following amendments be adopted:

On page 1, line 13, after "histories" strike all material through "interviews" on line 14.

On page 2, after line 6, strike all material through "senate;" on line 10, and insert the following:

"(1) Four members of the house of representatives, two from each of the two largest caucuses of the house, appointed by the speaker of the house of representatives;

(2) Four members of the senate, two from each of the two largest caucuses of the senate, appointed by the president of the senate;"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, Madsen, Bluechel; Representatives Anderson, Jacobsen, Prince.

MOTION

Mr. Anderson moved that the House adopt the Report of Conference Committee on Engrossed House Bill No. 2141. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2141 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 2141 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R.,

Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Sprenkle - 01.

Engrossed House Bill No. 2141 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 9:30 a.m., Saturday, April 27, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, April 27, 1991

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Michael Heath and Kari Rasmus. Prayer was offered by Representative Clyde Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

April 24, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5082,
 SUBSTITUTE SENATE BILL NO. 5108,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120,
 SUBSTITUTE SENATE BILL NO. 5332,
 SECOND SUBSTITUTE SENATE BILL NO. 5358,
 SENATE BILL NO. 5442,
 SECOND SUBSTITUTE SENATE BILL NO. 5591,
 ENGROSSED SENATE BILL NO. 5745,
 ENGROSSED SENATE BILL NO. 5801,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5837,
 SUBSTITUTE SENATE BILL NO. 5873,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

April 26, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5111,
 SUBSTITUTE SENATE BILL NO. 5266,
 SUBSTITUTE SENATE BILL NO. 5301,
 SENATE BILL NO. 5821,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5825,
SUBSTITUTE SENATE BILL NO. 5916,
and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

MOTION

On motion of Mr. Wineberry, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The Speaker (Mr. R. Meyers presiding) called the House to order at 2:30 p.m. The Clerk called the roll and all members were present except Representatives Cooper, Rasmussen, Schmidt, H. Sommers and Valle. On motion of Mr. Mielke, Representative Schmidt was excused.

MESSAGES FROM THE SENATE

April 26, 1991

Mr. Speaker:

The President ruled Sec. 4. of the Conference Committee Report on ENGROSSED HOUSE BILL NO. 1352 beyond the scope and object of the bill and the bill was referred back to the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 27, 1991

Mr. Speaker:

The Senate concurred in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5184, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

MESSAGE FROM THE SENATE

April 25, 1991

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5613, on page 8, line 12, and passed the bill as amended by the House, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

FINAL PASSAGE OF SENATE BILL
WITH CERTAIN HOUSE AMENDMENT

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5613 with certain House amendment.

Mr. Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5613 with certain House amendment, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 4, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Cooper, Rasmussen, Sommers, H., Valle - 04.

Excused: Representative Schmidt - 01.

Substitute Senate Bill No. 5613 with certain House amendment, having received the constitutional majority, was declared passed.

Representative Valle appeared at the bar of the House.

REPORT OF CONFERENCE COMMITTEE

ESSB 5629

April 25, 1991

Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, prohibiting unauthorized acts against animal facilities, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and

The following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9.08 RCW to read as follows:

There has been an increasing number of illegal acts committed against animal production and research facilities involving injury or loss of life to animals or humans, criminal trespass, and damage to property. These actions not only abridge the property rights of the owners, operators, and employees of the facility, they may also damage the public interest by jeopardizing crucial animal production or agricultural, scientific, or biomedical research. These actions may also threaten the public safety by exposing communities to public health concerns and creating traffic hazards. These actions substantially disrupt or damage research and result in the potential loss of physical and intellectual property. While the criminal code, particularly the malicious mischief crimes, adequately covers those who intentionally and without authority damage or destroy farm animals, the code does not adequately cover similar misconduct directed against research and educational facilities. Therefore, it is in the interest of the people of the state of Washington to protect the welfare of humans and animals, as well as the productive use of private or public funds, to promote and protect scientific and medical research, foster education, and preserve and enhance agricultural production.

It is the intent of the legislature that the courts in deciding applications for injunctive relief under section 5 of this act give full consideration to the constitutional rights of persons to speak freely, to picket, and to conduct other lawful activities.

NEW SECTION. Sec. 2. A new section is added to chapter 9.08 RCW to read as follows:

A person is guilty of a class C felony: If he or she, without authorization, knowingly takes, releases, destroys, contaminates, or damages any animal or animals kept in a research or educational facility where the animal or animals are used or to be used for medical research purposes or other research purposes or for educational purposes; or if he or she, without authorization, knowingly destroys or damages any records, equipment, research product, or other thing pertaining to such animal or animals.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort by (a) taking, releasing, destroying, contaminating, or damaging any animal or animals kept in a research or educational facility, where the animal or animals are used or to be used for medical research or other research purposes, or for educational purposes; or (b) destroying or damaging any records, equipment, research product, or other thing pertaining to such animal or animals.

(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

NEW SECTION. Sec. 4. A new section is added to chapter 4.24 RCW to read as follows:

(1) Joint and several liability for damages shall apply to persons and organizations that commit an intentional tort by taking, releasing, destroying or damaging any animal or animals kept by a person for agricultural production purposes or by a veterinarian for

veterinary purposes; or by destroying or damaging any farm or veterinary equipment or supplies pertaining to such animal or animals.

(2) Any person or organization that plans or assists in the development of a plan to commit an intentional tort covered by subsection (1) of this section is liable for damages to the same extent as a person who has committed the tort. However, a person or organization that assists in the development of a plan is not liable under this subsection, if, at the time of providing the assistance the person or organization does not know, or have reason to know, that the assistance is promoting the commission of the tort. Membership in a liable organization does not in itself establish the member's liability under this subsection. The common law defense of prior renunciation is allowed in actions brought under this subsection.

(3) In any case where damages are awarded under this section, the court shall award to the plaintiff all costs of the litigation, including reasonable attorneys' fees, investigation costs, and court costs, and shall impose on any liable party a civil fine of not to exceed one hundred thousand dollars to be paid to the plaintiff.

(4) "Agricultural production," for purposes of this section, means all activities associated with the raising of animals for agricultural purposes, including but not limited to animals raised for wool or fur. Agricultural production also includes the exhibiting or marketing of live animals raised for agricultural purposes.

NEW SECTION. Sec. 5. A new section is added to chapter 4.24 RCW to read as follows:

Any individual having reason to believe that he or she may be injured by the commission of an intentional tort under section 3 or 4 of this act may apply for injunctive relief to prevent the occurrence of the tort. Any individual who owns or is employed at a research or educational facility or an agricultural production facility where animals are used for research, educational, or agricultural purposes who is harassed, or believes that he or she is about to be harassed, by an organization, person, or persons whose intent is to stop or modify the facility's use or uses of an animal or animals, may apply for injunctive relief to prevent the harassment.

For the purposes of this section:

(1) "Agricultural production" means all activities associated with the raising of animals for agricultural purposes, including but not limited to animals raised for wool or fur. Agricultural production also includes the exhibiting or marketing of live animals raised for agricultural purposes; and

(2) "Harassment" means any threat, without lawful authority, that the recipient has good reason to fear will be carried out, that is knowingly made for the purpose of stopping or modifying the use of animals, and that either (a) would cause injury to the person or property of the recipient, or result in the recipient's physical confinement or restraint, or (b) is a malicious threat to do any other act intended to substantially cause harm to the recipient's mental health or safety.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 9.08 RCW; adding new sections to chapter 4.24 RCW; prescribing penalties; and declaring an emergency." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Bailey, Hansen; Representatives Rayburn, Kremen.

MOTION

Ms. Rayburn moved that the House adopt the Report of Conference Committee on Engrossed Substitute Senate Bill No. 5629. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5629 as recommended by Conference Committee.

Mr. Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5629 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 3, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Wang - 02.

Absent: Representatives Cooper, Rasmussen, Sommers, H. - 03.

Excused: Representative Schmidt - 01.

Engrossed Substitute Senate Bill No. 5629 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

Representative Cooper appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 27, 1991.

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5202. The President has appointed the

following members as Conferees: Senators Nelson, Talmadge and Hayner, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SB 5147

April 25, 1991

Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5147, protecting alternative dispute resolution processes and mediators and arbitrators from legal action, have had the same under consideration and we recommend that:

The House Judiciary Committee amendment be adopted, and

That the committee amendment be amended as follows:

On page 1, line 7 of the amendment, before "agency" insert "state or federal" and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, Talmadge, Erwin; Representatives Appelwick, Ludwig, Paris.

MOTION

Mr. Ludwig moved that the House adopt the Report of Conference Committee on Senate Bill No. 5147. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5147 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5147 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 2, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprenkle, Tate, Valle,

Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Rasmussen, Sommers, H. - 02.

Excused: Representative Schmidt - 01.

Senate Bill No. 5147 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

Representatives Schmidt and H. Sommers appeared at the bar of the House.

REPORT OF CONFERENCE COMMITTEE

SB 5170

April 25, 1991

Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5170, changing the number of district judges, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and

The following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 3.34.010 and 1989 c 227 s 6 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty-four; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, ~~((three))~~ two; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

Sec. 2. RCW 3.34.040 and 1984 c 258 s 10 are each amended to read as follows:

A district judge serving a district having a population of forty thousand or more persons, and a district judge receiving a salary ~~((greater than))~~ equal to the maximum salary ~~((provided in RCW 3.58.020(6)))~~ set by the salary commission under RCW 3.58.020 for district judges shall be deemed full time judges and shall devote all of their time to the office and shall not engage in the practice of law. Other judges shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but shall maintain a separate office for private business and shall not use for private business the services of any clerk or secretary paid for by the county or office space or supplies furnished by the judicial district.

Sec. 3. RCW 3.58.020 and 1984 c 258 s 35 are each amended to read as follows:

The annual salaries of part time district judges shall be set by the ~~((county legislative authority in each county in accordance with the minimum and maximum salaries provided in this subsection:~~

~~(1) In districts having a population under two thousand five hundred persons, the salary shall be not less than one thousand five hundred dollars nor more than twelve thousand dollars;~~

~~(2) In districts having a population of two thousand five hundred persons or more, but less than five thousand, the salary shall be set at not less than one thousand eight hundred dollars nor more than fifteen thousand five hundred dollars;~~

~~(3) In districts having a population of five thousand persons or more, but less than seven thousand five hundred, the salary shall be set at no less than one thousand eight hundred or more than twenty five thousand dollars;~~

~~(4) In districts having a population of seven thousand five hundred persons or more, but less than ten thousand, the salary shall be set at not less than two thousand two hundred fifty dollars or more than thirty thousand dollars;~~

~~(5) In districts having a population of ten thousand persons or more, but less than twenty thousand, the salary shall be set at no less than three thousand dollars or more than thirty two thousand dollars;~~

~~(6) In districts having a population of twenty thousand persons or more, but less than thirty thousand, the salary shall be set at not less than five thousand two hundred fifty dollars or more than forty thousand dollars))~~ citizens' commission on salaries.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 3.34.010, 3.34.040, and 3.58.020; and declaring an emergency." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Erwin, Snyder, Thorsness; Representatives Appelwick, Ludwig, Padden.

MOTION

Mr. Ludwig moved that the House adopt the Report of Conference Committee on Senate Bill No. 5170. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5170 as recommended by Conference Committee.

Representatives Ludwig and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5170 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson,

Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Rasmussen - 01.

Senate Bill No. 5170 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 18, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) Consistent with RCW 90.54.180, conservation and water use efficiency programs, including storage, should be the preferred methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; and

(b) The interests of the state will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to better satisfy both present and future needs for water.

(3) Consistent with the findings of this section, the purposes of this chapter are to:

(a) Improve the ability of the state to work with the United States, local governments, federally recognized tribal governments, water right holders, water users, and various water interests in water conservation and water use efficiency programs designed to satisfy existing rights, presently unmet needs, and future needs, both instream and out-of-stream;

(b) Establish new incentives, enhance existing incentives, and remove disincentives for efficient water use;

(c) Establish improved means to disseminate information to the public and provide technical assistance regarding ways to improve the efficiency of water use;

(d) Create a trust water rights mechanism for the acquisition of water rights on a voluntary basis to be used to meet presently unmet needs and future needs; .

(e) Accelerate the adoption of water efficiency, conservation, and recycling, including water efficient plumbing fixtures, irrigation systems and methods, landscaping techniques, conservation rates, conservation plans, and wastewater reclamation and reuse;

(f) Eliminate tax disincentives to water conservation, reuse, and improved water use efficiency;

(g) Require evaluation of state facilities and property to identify cost-effective water use efficiency improvement opportunities; and

(h) Add achievement of water conservation as a factor to be considered by water supply utilities in setting water rates.

NEW SECTION. Sec. 2. A new section is added to chapter 90.54 RCW to read as follows:

(1) State funding of water resource, supply, and quality related capital programs, both current and future, shall, to the maximum extent possible within state or federal legal requirements, be directed to assist in the resolution of current conflicts and implementation of regional water resource plans with priority given to current needs over new requirements.

(2) Consistent with RCW 90.54.180, priority shall be given, to the maximum extent possible within state or federal legal requirements, to those water conservation projects funded by the state that will result in the greatest net water savings.

Sec. 3. RCW 90.54.045 and 1990 c 295 s 3 are each amended to read as follows:

(1) In the development and implementation of the comprehensive state water resources program required in RCW 90.54.040(1), the process described therein shall involve participation of appropriate state agencies, Indian tribes, local governments, and interested parties, and shall be applied on a regional basis pursuant to subsection (2) of this section.

(2) Prior to ((January)) July 1, 1991, the department, with advice from appropriate state agencies, Indian tribes, local government, and interested parties, shall identify regions and establish regional boundaries for water resource planning and shall designate two regions in which the process shall be initiated on a pilot basis. One region shall encompass an area within the Puget Sound basin in which critical water resource issues exist. A concurrent pilot process may encompass a region east of the Cascade mountains.

(3) The department shall report to the chairs of the appropriate legislative committees prior to July 1st each year summarizing the progress of the pilot process in the two regions. The pilot process in each region shall be completed and shall produce a regional water plan by December 31, 1993.

(4) Appropriate state agencies, Indian tribes, local governments, and interested parties in regions not selected for the pilot program are strongly encouraged to commence water resource planning within their regions.

NEW SECTION. Sec. 4. (1) The legislature finds that a need exists to develop and test a means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

The purpose of this chapter is to provide the mechanism for accomplishing this in a manner that will not impair existing rights to water and to test the mechanism in two pilot planning areas.

(2) This chapter shall only be in effect in the pilot planning areas designated pursuant to RCW 90.54.045(2).

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes

without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

(3) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

(4) "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).

(5) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on the effective date of this section.

NEW SECTION. Sec. 6. (1) For purposes of this chapter, the state may enter into contracts to provide moneys to assist in the financing of water conservation projects located within pilot planning areas. In consideration for the financial assistance provided, the state shall obtain public benefits defined in guidelines developed under section 8 of this act.

(2) If the public benefits to be obtained require conveyance or modification of a water right, the recipient of funds shall convey to the state the recipient's interest in that part of the water right or claim constituting all or a portion of the resulting net water savings for deposit in the trust water rights program. The amount to be conveyed shall be finitely determined by the parties, in accordance with the guidelines developed under section 8 of this act, before the expenditure of state funds. Conveyance may consist of complete transfer, lease contracts, or other legally binding agreements. When negotiating for the acquisition of conserved water or net water savings, or a portion thereof, the state may require evidence of a valid water right.

(3) As part of the contract, the water right holder and the state shall specify the amount of water the water right holder would continue to be entitled to once the water conservation project is in place.

(4) The state shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(5) If water is proposed to be acquired by or conveyed to the state as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders shall be submitted to and for the satisfaction of the department.

(6) The state shall not contract with any person to acquire a water right served by an irrigation district without the approval of the board of directors of the irrigation district. Disapproval by a board shall be factually based on probable adverse effects on the ability of the district to deliver water to other members or on maintenance of the financial integrity of the district.

NEW SECTION. Sec. 7. (1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or

point of diversion or withdrawal. Water rights for which such nonpermanent conveyances are arranged shall not be subject to relinquishment for nonuse.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

NEW SECTION. Sec. 8. The department, in cooperation with federally recognized Indian tribes, local governments, state agencies, and other interested parties, shall establish guidelines by July 1, 1992, governing the acquisition, administration, and management of trust water rights. The guidelines shall address at a minimum the following:

(1) Methods for determining the net water savings resulting from water conservation projects or programs carried out in accordance with this chapter, and other factors to be considered in determining the quantity or value of water available for potential designation as a trust water right;

(2) Criteria for determining the portion of net water savings to be conveyed to the state under this chapter;

(3) Criteria for prioritizing water conservation projects;

(4) A description of potential public benefits that will affect consideration for state financial assistance in section 6 of this act;

(5) Procedures for providing notification to potentially interested parties;

(6) Criteria for the assignment of uses of trust water rights acquired in areas of the state not addressed in a regional water resource plan or critical area agreement; and

(7) Contracting procedures and other procedures not specifically addressed in this section.

These guidelines shall be submitted to the joint select committee on water resource policy before adoption.

NEW SECTION. Sec. 9. The policies and purposes of this chapter shall not be construed as replacing or amending the policies or the purposes for which funds available under chapter 43.83B or 43.99E RCW may be used.

NEW SECTION. Sec. 10. Nothing in this chapter authorizes the involuntary impairment of any existing water rights.

NEW SECTION. Sec. 11. (1) Within the pilot planning areas, the state may acquire all or portions of existing water rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) The provisions of RCW 90.03.380 and 90.03.390 apply to transfers of water rights under this section.

NEW SECTION. Sec. 12. It is the intent of the legislature that jurisdictional authorities that exist in law not be expanded, diminished, or altered in any manner whatsoever by this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 90.14 RCW to read as follows:

This chapter shall not apply to trust water rights held or exercised by the department of ecology under chapter 90.38 or 90.-- RCW (sections 1 and 4 through 12 of this act).

Sec. 14. RCW 90.03.380 and 1987 c 109 s 94 are each amended to read as follows:

The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other land owners or impair the financial integrity of either of the districts.

A change in place of use by an individual water user or users within an irrigation district need only receive approval for the change from the board of directors of the district.

This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.--- through 90.--- (sections 4 through 10 of this 1991 act).

Sec. 15. RCW 19.27.170 and 1989 c 348 s 8 are each amended to read as follows:

(1) The state building code council shall adopt rules under chapter 34.05 RCW that implement and incorporate the water conservation performance standards in subsections ~~((3))~~ (4) and ~~((4))~~ (5) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) The legislature recognizes that a phasing-in approach to these new standards is appropriate. Therefore, standards in subsection ~~((3))~~ (4) of this section shall take effect

on July 1, 1990. The standards in subsection (~~((4))~~) (5) of this section shall take effect July 1, 1993.

(3) No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity may, for purposes of use in this state, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures unless the fixtures meet the standards as provided for in this section.

(4) Standards for water use efficiency effective July 1, 1990.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets	3.5 gpf.
Flushometer-valve toilets	3.5 gpf.
Flushometer-tank toilets	3.5 gpf.
Electromechanical hydraulic toilets	3.5 gpf.

(b) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(c) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(d) Standard for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

Bathroom faucets	3.0 gpm.
Lavatory faucets	3.0 gpm.
Kitchen faucets	3.0 gpm.
Replacement aerators	3.0 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous flush basis shall be permitted.

~~((4))~~ (5) Standards for water use efficiency effective July 1, 1993.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets	1.6 gpf.
Flushometer-tank toilets	1.6 gpf.
Electromechanical hydraulic toilets	1.6 gpf.

(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

Bathroom faucets	2.5 gpm.
Lavatory faucets	2.5 gpm.
Kitchen faucets	2.5 gpm.
Replacement aerators	2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.

~~((5) The building code council shall make an assessment regarding the low volume fixtures required under subsection (4) of this section. The assessment shall consider the availability of low volume fixtures which are technologically feasible, will operate effectively, and are economically justified. The council shall also assess the potential impact on the necessary flow of water required to insure sewerage or septic lines and treatment plants will effectively operate.~~

The council shall submit a report to the chief clerk of the house of representatives and the secretary of the senate by October 30, 1992, setting forth its conclusions, and any recommendations for legislative action.))

(6) The building code council shall establish methods and procedures for testing and identifying fixtures that meet the standards established in subsection (5) of this section. The council shall use the testing standards designated as American national standards, written under American national standards institute procedures or other widely recognized national testing standards. The council shall either review test results from independent testing laboratories that are submitted by manufacturers of plumbing fixtures or accept data submitted to and evaluated by the international association of plumbing and mechanical officials. The council shall publish and widely distribute a current list of fixtures that meet the standards established in subsection (5) of this section.

(7) The building code council shall adopt rules for marking and labeling fixtures meeting the standards established in subsection (5) of this section.

(8) This section shall not apply to fixtures installed before the effective date of this section that are removed and relocated to another room or area of the same building after the effective date of this section, nor shall it apply to fixtures, as determined by the council, that in order to perform a specialized function, cannot meet the standards specified in this section.

(9) The water conservation performance standards shall supersede all local government codes. After July 1, 1990, cities, towns, and counties shall not amend the code revisions and standards established under subsection ~~((3) or~~) (4) or (5) of this section.

Sec. 16. RCW 35.67.020 and 1965 c 7 s 35.67.020 are each amended to read as follows:

Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service.

In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Sec. 17. RCW 35.92.010 and 1985 c 445 s 4 and 1985 c 444 s 2 are each reenacted and amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of

water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

Sec. 18. RCW 56.16.090 and 1974 ex.s. c 58 s 3 are each amended to read as follows:

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those to whom such service is available. Such rates and charges may be combined for the furnishing of more than one type of sewer service such as but not limited to storm or surface water and sanitary. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different

character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

Sec. 19. RCW 57.20.020 and 1983 c 167 s 164 are each amended to read as follows:

(1) Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in RCW 39.46.030, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president or secretary imprinted on any interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding

of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the owner of any bond payable from such special fund may bring suit or action against the water district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

(3) The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

Sec. 20. RCW 54.24.080 and 1959 c 218 s 9 are each amended to read as follows:

(1) The commission of each district which shall have revenue obligations outstanding shall have the power and shall be required to establish, maintain, and collect rates or charges for electric energy and water and other services, facilities, and commodities sold, furnished, or supplied by the district which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal of and interest on such revenue obligations for which the payment has not otherwise been provided and all payments which the district is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the public utility and all necessary repairs, replacements, and renewals thereof.

(2) In establishing rates or charges for water service, commissioners may in their discretion consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 21. RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1991:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been

due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(v) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(c) A payment plan implemented under this section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(8) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 22. RCW 80.28.025 and 1980 c 149 s 2 are each amended to read as follows:

(1) In establishing rates for each gas and electric company regulated by this chapter, the commission shall adopt policies to encourage meeting or reducing energy demand through cogeneration as defined in RCW 82.35.020, measures which improve the efficiency of energy end use, and new projects which produce or generate energy from renewable resources, such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood waste, municipal wastes, agricultural products and wastes, and end-use waste heat. These policies shall include but are not limited to allowing a return on investment in measures to improve the efficiency of energy end use, cogeneration, or projects which produce or generate energy from renewable resources which return is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investment. Measures or projects encouraged under this section are those for which construction or installation is begun after June 12, 1980, and before January 1, 1990, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric company could acquire to meet energy demand in the same time period. The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.

(2) In establishing rates for water companies regulated by this chapter, the commission may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

NEW SECTION. Sec. 23. A new section is added to chapter 82.04 RCW to read as follows:

The tax imposed by RCW 82.04.240 shall not apply to the treatment or processing of effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

NEW SECTION. Sec. 24. A new section is added to chapter 82.12 RCW to read as follows:

This chapter shall not apply with respect to the use of treated or processed effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

Sec. 25. RCW 90.14.140 and 1987 c 125 s 1 are each amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;
- (b) Active service in the armed forces of the United States during military crisis;
- (c) Nonvoluntary service in the armed forces of the United States;
- (d) The operation of legal proceedings;
- (e) Federal laws imposing land or water use restrictions either directly or through

the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or

(b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later, or

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

(e) If such right is claimed by an irrigation district for the benefit of lands lying within such district, or

(f) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

NEW SECTION. Sec. 26. Sections 1 and 4 through 12 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 27. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 28. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 90.03.380, 19.27.170, 35.67.020, 56.16.090, 57.20.020, 54.24.080, 80.28.010, 80.28.025, and 90.14.140; reenacting and amending RCW 35.92.010; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 90 RCW; creating a new section; providing an effective date; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Fraser moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2026 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Belcher, Hine and Miller as conferees on Engrossed Substitute House Bill No. 2026.

Representative Rasmussen appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 26, 1991

Mr. Speaker:

The Senate concurred in the House Committee on Human Services striking amendment(s) as amended by the House to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025, and failed to pass the bill as amended by the House. On motion to reconsider, the Senate concurred in all House amendment(s) with the exception of Sec. 8. of the House Committee on Human Services amendment, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

On motion of Mr. Wineberry, the rules were suspended and Engrossed Second Substitute Senate Bill No. 5025 was returned to second reading for purpose of amendment.

MOTION FOR RECONSIDERATION

Ms. Leonard moved that the House immediately reconsider the vote by which the amendment by Committee on Human Services to Engrossed Second Substitute Senate Bill No. 5025 was adopted by the House.

Ms. Leonard spoke in favor of the motion, and it was carried.

RECONSIDERATION

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be reconsideration of the amendment by Committee on Human Services.

Ms. Leonard moved adoption of the following amendment by Representatives Leonard, Padden, H. Myers, Hochstatter, Haugen and Anderson to the committee amendment:

On page 5, line 10 of the House striking amendment to E2SSB 5025, strike all of section 8, and renumber the remaining sections accordingly.

Representatives Leonard and Padden spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

The committee amendment as amended was adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5025 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Second Substitute Senate Bill No. 5025 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker assumed the Chair.

HOUSE BILL NO. 1400, by Representatives Morton, Grant, Fuhrman, Bray, Sprenkle, Morris, Chandler, Paris, Rasmussen, McLean, Forner and Rayburn; by request of Department of Health

Modifying grant criteria for rural health care projects.

The House resumed consideration of House Bill No. 1400. (For previous action, see Journal, 102nd Day, April 25, 1991, Afternoon Session.)

The Speaker stated the question before the House to be the Point of Order by Representative Zellinsky regarding the scope and object of the Senate amendments to House Bill No. 1400.

SPEAKER'S RULING

The Speaker: The Speaker has examined the original bill, House Bill No. 1400, which deals with the rural health system project established by the Legislature in 1979. The bill lifts the statutory limit of the number of rural health projects which may be funded by the Department of Health.

The Senate amendment does not deal with the current rural health care program run by the Department of Health. Rather, it creates a new rural health care services program, creates an advisory committee to oversee the new program and exempts the program from state insurance laws. The Speaker finds that the Senate amendment does change the scope and object of the House Bill. Representative Zellinsky, your point is well taken. Again, the amendment does not clarify; it broadens the scope of the bill.

MOTION

Mr. Braddock moved that the House refuse to concur in the Senate amendments to House Bill No. 1400 and ask the Senate to recede therefrom. The motion was carried.

The Speaker called on Representative R. Meyers to preside.

CONFERENCE COMMITTEE REPORT

ESB 5824

April 26, 1991
Includes "New Item": NO

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5824, changing provisions relating to the funding of community college summer courses, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and

The following amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

(1) The boards of trustees of the community college districts may operate summer schools on either a self-supporting or a state-funded basis.

If summer school is operated on a self-supporting basis, the fees charged shall be retained by the colleges, and shall be sufficient to cover the direct costs, which are instructional salaries and related benefits, supplies, publications, and records.

Community colleges that have self-supporting summer schools shall continue to receive general fund state support for vocational programs that require that students enroll

in a four quarter sequence of courses that includes summer quarter due to clinical or laboratory requirements and for ungraded courses limited to adult basic education, vocational apprenticeship, aging and retirement, small business management, industrial first aid, and parent education.

(2)(a) The board of trustees of a community college district may permit the district's state-funded, full-time equivalent enrollment level, as provided in the operating budget appropriations act, to vary by plus or minus two percent each fiscal year unless otherwise authorized in the operating budget appropriations act. If the variance is above the state-funded level, the district may charge those students above the state-funded level a fee equivalent to the amount of tuition and fees that are charged students enrolled in state-funded courses. These fees shall be retained by the colleges.

(b) Any community college that in 1990-91 has an enrollment above the state-funded level but below the authorized variance may increase its excess enrollments to within the variance.

(c) Community colleges that currently have excess enrollments more than the authorized variance, by means of enrollments that would have otherwise been eligible for state funding, shall reduce those excess enrollments to within the authorized variance by September 1, 1995, in at least equal annual reductions, commencing with the 1991-92 fiscal year.

(d) Except as permitted by (c) of this subsection, should the number of student-supported, full-time equivalent enrollments in any fiscal year fall outside the authorized variance, the college shall return by September 1st to the state general fund, an amount equal to the college's full average state appropriations per full-time equivalent student for such student-funded full-time equivalent outside the variance, unless otherwise provided in the operating budget appropriations act.

(3) The state board for community college education shall ensure compliance with this section.

Sec. 2. RCW 28B.15.502 and 1985 c 390 s 25 are each amended to read as follows:

Tuition fees and services and activities fees at each community college other than at summer quarters shall be as follows:

(1) For full time resident students, the total tuition fees shall be twenty-three percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total tuition fees shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the building fees for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) Tuition and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students unless the community college charges fees in accordance with section 1 of this 1991 act.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 15, 1991.

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Saling, Patterson; Representatives Jacobsen, Spanel, Van Luven.

MOTION

Mr. Jacobsen moved that the House adopt the Report of Conference Committee on Engrossed Senate Bill No. 5824. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5824 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5824 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Senate Bill No. 5824 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate concurred in the House Committee on Human Services amendment(s), adopted as amended on 4/19/91, to SUBSTITUTE SENATE

BILL NO. 5670, with the exception of the amendment on page 23, after line 3 of the committee amendment, which the House receded from on 4/26/91, and passed the bill as amended by the House, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. Leonard moved that the House insist on its position regarding the House amendment to Substitute Senate Bill No. 5670 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. R. Meyers presiding) appointed Representatives Leonard, Riley and Winsley as conferees on Substitute Senate Bill No. 5670.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.

The Speaker (Mr. R. Meyers presiding) called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

April 27, 1991

Mr. Speaker:

Under suspension of rules, the Senate returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780 to second reading, did not adopt the Senate Committee on Law & Justice amendment, adopted the following striking amendments, and passed the bill with the following floor amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9.94A.030 and 1991 c 32 s 1 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Drug offense" means:

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

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

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

(17) "Escape" means:

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

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

(18) "Felony traffic offense" means:

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

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

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

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

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

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

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

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

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

(25) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may

include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(26) "Serious traffic offense" means:

(a) Driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

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

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

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

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

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

(29) "Sex offense" means:

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

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

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

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

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

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

(33) "Violent offense" means:

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

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

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

(34) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community of not less than thirty-five hours per week that complies with section 2 of this act. The civic improvement tasks shall be performed on public property or on private property owned or operated by nonprofit entities, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment

opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. Only those offenders sentenced to a facility operated or utilized under contract by a county are eligible to participate on a work crew. Offenders sentenced for a sex offense as defined in subsection (29) of this section are not eligible for the work crew program.

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

~~((35))~~ (36) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance. Home detention may not be imposed for offenders convicted of a violent offense, any sex offense, any drug offense, reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050, assault in the third degree as defined in RCW 9A.36.031, unlawful imprisonment as defined in RCW 9A.40.040, or harassment as defined in RCW 9A.46.020. Home detention may be imposed for offenders convicted of possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403) if the offender fulfills the participation conditions set forth in this subsection and is monitored for drug use by treatment alternatives to street crime (TASC) or a comparable court or agency-referred program. Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender: (a) Successfully completing twenty-one days in a work release program, (b) having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary, (c) having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense, (d) having no prior charges of escape, and (e) fulfilling the other conditions of the home detention program.

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

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

Participation in a work crew is conditioned upon the offender's acceptance into the program, abstinence from alcohol and controlled substances as demonstrated by urinalysis and breathalyzer monitoring, with the cost of monitoring to be paid by the offender, unless indigent; and upon compliance with the rules of the program, which rules shall include the requirements that the offender work to the best of his or her abilities and that he or she provide the program with accurate, verified residence information. Work crew may be imposed simultaneously with electronic home detention.

Where work crew is imposed as part of a sentence of nine months or more, the offender must serve a minimum of thirty days of total confinement before being eligible for work crew.

An offender who has successfully completed four weeks of work crew at thirty-five hours per week shall thereafter receive credit toward the work crew sentence for hours worked at approved, verified employment. Such employment credit may be earned for up to twenty-four hours actual employment per week provided, however, that every such offender shall continue active participation in work crews projects according to a schedule approved by a work crew supervisor until the work crew sentence has been served.

The hours served as part of a work crew sentence may include substance abuse counseling and/or job skills training.

The civic improvement tasks performed by offenders on work crew shall be unskilled labor for the benefit of the community as determined by the head of the county executive branch or his or her designee. Civic improvement tasks shall not be done on private property unless it is owned or operated by a nonprofit entity, except that, for emergency purposes only, work crews may perform snow removal on any private property. The civic improvement tasks shall have minimal negative impact on existing private industries or the labor force in the county where the service or labor is performed. The civic improvement tasks shall not affect employment opportunities for people with developmental disabilities contracted through sheltered workshops as defined in RCW 82.04.385. In case any dispute arises as to a civic improvement task having more than minimum negative impact on existing private industries or labor force in the county where their service or labor is performed, the matter shall be referred by an interested party, as defined in RCW 39.12.010(4), for arbitration to the director of the department of labor and industries of the state.

Whenever an offender receives credit against a work crew sentence for hours of approved, verified employment, the offender shall pay to the department administering the program the monthly assessment of an amount not less than ten dollars per month nor more than fifty dollars per month. This assessment shall be considered payment of the costs of providing the work crew program to an offender. The court may exempt a person from the payment of all or any part of the assessment based upon any of the following factors:

- (1) The offender has diligently attempted but has been unable to obtain employment that provided the offender sufficient income to make such payment.
- (2) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.
- (3) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.
- (4) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship.
- (5) Other extenuating circumstances as determined by the court.

Sec. 3. RCW 9.94A.120 and 1990 c 3 s 705 are each amended to read as follows:

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

- (1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.
- (2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.
- (3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.
- (4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term

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

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

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

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

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

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

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

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

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall

be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

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

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

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

(I) Devote time to a specific employment or occupation;

(II) Remain within prescribed geographical boundaries and notify the court or the community corrections officer prior to any change in the offender's address or employment;

(III) Report as directed to the court and a community corrections officer;

(IV) Pay all court-ordered legal financial obligations as provided in RCW 9.94A.030, perform community service work, or any combination thereof; or

(V) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

(iii) The sex offender therapist shall submit quarterly reports on the defendant's progress in treatment to the court and the parties. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, defendant's compliance with requirements, treatment activities, the defendant's relative progress in treatment, and any other material as specified by the court at sentencing.

(iv) At the time of sentencing, the court shall set a treatment termination hearing for three months prior to the anticipated date for completion of treatment. Prior to the treatment termination hearing, the treatment professional and community corrections officer shall submit written reports to the court and parties regarding the defendant's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment, including proposed community supervision conditions. Either party may request and the court may order another evaluation regarding the advisability of termination from treatment. The defendant shall pay the cost of any additional evaluation ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost. At the treatment termination hearing the court may: (A) Modify conditions of community supervision, and either (B) terminate treatment, or (C) extend treatment for up to the remaining period of community supervision.

(v) The court may revoke the suspended sentence at any time during the period of community supervision and order execution of the sentence if: (A) The defendant violates the conditions of the suspended sentence, or (B) the court finds that the defendant is

failing to make satisfactory progress in treatment. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(vi) After July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW.

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

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

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

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

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

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

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

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

Except for an offender who has been convicted of a violation of RCW 9A.44.040 or 9A.44.050, if the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the

offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

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

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

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

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

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

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

- (i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

(iv) An offender in community custody shall not unlawfully possess controlled substances; and

(v) The offender shall pay supervision fees as determined by the department of corrections.

(c) The court may also order any of the following special conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(iii) The offender shall participate in crime-related treatment or counseling services;

(iv) The offender shall not consume alcohol;

(v) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(vi) The offender shall comply with any crime-related prohibitions.

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. RCW 9.94A.180 and 1988 c 154 s 4 are each amended to read as follows:

(1) An offender sentenced to a term of partial confinement shall be confined in the facility for at least eight hours per day or, if serving a work crew sentence shall comply with the conditions of that sentence as set forth in RCW 9.94A.030(23) and section 2 of this act. The offender shall be required as a condition of partial confinement to report to the facility at designated times. An offender may be required to comply with crime-related prohibitions during the period of partial confinement.

(2) An offender in a county jail ordered to serve all or part of a term of less than one year in work release, work crew, or a program of home detention who violates the rules of the work release facility, work crew, or program of home detention or fails to remain employed or enrolled in school may be transferred to the appropriate county detention facility without further court order but shall, upon request, be notified of the right to request an administrative hearing on the issue of whether or not the offender failed to comply with the order and relevant conditions. Pending such hearing, or in the absence of a request for the hearing, the offender shall serve the remainder of the term of confinement as total confinement. This subsection shall not affect transfer or placement of offenders committed to the state department of corrections.

Sec. 5. RCW 9.94A.190 and 1988 c 154 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the defendant or a member of the defendant's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per

diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

Sec. 6. RCW 9A.76.010 and 1979 c 155 s 35 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(2) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.120, 9.94A.180, 9.94A.190, and 9A.76.010; and adding a new section to chapter 9.94A RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Hargrove moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1780.

Mr. Hargrove spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1780 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1780 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1780 as amended by the Senate, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 1991

Mr. Speaker:

The Senate insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5010, and once again asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Braddock moved that the House recede from its amendments to Substitute Senate Bill No. 5010. The motion was carried.

FINAL PASSAGE OF SENATE BILL
WITHOUT HOUSE AMENDMENTS

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5010 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5010 without the House amendments, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson,

Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5010 without the House amendments, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Wineberry, House Rule 26 was suspended to allow consideration of Substitute House Bill No. 1194, Senate Bill No. 5477, Engrossed Substitute House Bill No. 1440, Engrossed Substitute House Bill No. 2071, Senate Bill No. 5049, Substitute House Bill No. 1704 and Engrossed House Bill No. 1352.

MESSAGE FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1194, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SHB 1194

April 26, 1991

Includes "New Item": YES

Revising and adding provisions on special districts.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1194, Special districts, have had the same under consideration and we recommend that:

The Senate amendments(s) be not adopted; and

That the following Conference Committee amendments beginning on page 19, after line 6, be adopted:

On page 19, after line 6, insert the following:

Sec. 20. RCW 85.05.410 and 1985 c 396 s 39 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ((~~twenty-five~~)) fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners, and shall

receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed ~~((three))~~ four thousand eight hundred dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 21. RCW 85.06.380 and 1985 c 396 s 43 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners ~~((shall))~~ may receive as compensation up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including ~~((his))~~ subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

Sec. 22. RCW 85.08.320 and 1986 c 278 s 32 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ~~((twenty-five))~~ fifty dollars for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Sec. 23. RCW 85.24.080 and 1985 c 396 s 54 are each amended to read as follows:

The members of the board ~~((shall))~~ may receive as compensation up to ~~((twenty-five))~~ fifty dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners: PROVIDED, That such compensation shall not exceed four thousand eight hundred dollars in one calendar year. PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each

commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Sec. 24. RCW 86.09.283 and 1985 c 396 s 61 are each amended to read as follows:

The board of directors (~~shall~~) may each receive up to (~~twenty-five~~) fifty dollars for attendance at official meetings of the board and for each day or major part thereof for all necessary services actually performed in connection with their duties as director. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. Compensation for the directors shall not exceed four thousand eight hundred dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

On page 1, line 3 of the title, after "85.38.130," strike "and" and on line 4, after "85.38.180" insert ", 85.05.410, 85.06.380, 85.08.320, 85.24.080, and 86.09.283" and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, L. Smith; Representatives Haugen, Bray, Ferguson.

MOTION

Ms. Haugen moved that the House adopt the Report of Conference Committee on Substitute House Bill No. 1194. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1194 as recommended by Conference Committee.

Representatives Haugen and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1194 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R.,

Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1194 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

2SSB 5167

April 25, 1991
Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5167, relating to juvenile justice, have had the same under consideration and we recommend that:

The House Judiciary Committee amendment be adopted, and

That the committee amendment be amended as follows:

On page 3, after line 10 of the committee amendment insert:

"If by June 30, 1991, the omnibus operating budget appropriations act for the 1991-93 biennium does not provide specific funding for this section, referencing this section by bill number and section, this section is null and void."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, A. Smith, Thorsness; Representatives Appelwick, Wineberry, Padden.

MOTION

Mr. Ludwig moved that the House adopt the Report of Conference Committee on Second Substitute Senate Bill No. 5167. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Second Substitute Senate Bill No. 5167 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Second Substitute Senate Bill No. 5167 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson,

Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5167 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1440

April 26, 1991

Includes "New Item": YES

Regulating mobile homes.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440, Mobile home regulations, have had the same under consideration and we recommend that:

The Senate amendment(s) be not adopted; and

That the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 59.22 RCW to read as follows:

(1) There is hereby imposed a fee of fifteen dollars on every transfer of title issued pursuant to chapter 46.12 RCW on a new or used mobile home where ownership of the mobile home is changed and on each application for the elimination of title under chapter 65.20 RCW. A transfer of title does not include the addition or deletion of a spouse co-owner or a secured interest. The department of licensing or its agents shall collect the fee when processing the application for transfer or elimination of title. The fee collected under this section shall be forwarded to the state treasurer. The state treasurer shall deposit each fee collected in the mobile home affairs account created by RCW 59.22.070.

(2) The department of licensing and the state treasurer may enact any rules necessary to carry out this section.

Sec. 2. RCW 59.22.020 and 1988 c 280 s 3 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Account" means the mobile home affairs account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

((2)) (3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

((3)) (4) "Department" means the department of community development.

(5) "Fee" means the mobile home title transfer fee created under RCW 59.21.060.

((4)) (6) "Fund" means the mobile home park purchase fund created pursuant to RCW 59.22.030.

((5)) (7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

((6)) (8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

((7)) (9) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

((8)) (10) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

((9)) (11) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

((10)) (12) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

((11)) (13) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years. or the ownership of individual interests in a mobile home park, or both.

((12)) (14) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

((13)) (15) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal

regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

~~((14))~~ (16) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

~~((15))~~ (17) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

~~((16))~~ (18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

Sec. 3. RCW 59.22.050 and 1989 c 294 s 1 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

~~(2) ((In addition, the office shall work with the mobile home space availability and affordability task force to develop recommendations to (a) increase the availability of mobile home park spaces, (b) stabilize rent levels through traditional market forces of supply and demand and through incentives such as current use valuation of mobile home parks, but not through artificial controls on rent, and (c) allow senior citizens on fixed incomes to continue living in their mobile homes, including the possibility of direct subsidies.~~

~~The mobile home space availability and affordability task force shall be comprised of four legislators, one from each caucus in the house of representatives appointed by the speaker of the house and one from each caucus in the senate appointed by the president of the senate, two representatives of park owners, two representatives of tenants, and two representatives of local governments. All nonlegislative members shall be appointed by the director of the department of community development. Staffing for the task force shall be supplied by the department of community development, the house of representatives housing committee, and the senate economic development and labor committee.~~

~~(3) In developing these recommendations the office and the task force shall:~~

~~(a) Review the ordinances of local government to assess their impact on the availability of mobile home rental spaces;~~

~~(b) Consult with federal, state, and local agencies, senior citizen organizations, the real estate industry, and other groups as it considers necessary;~~

~~(c) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals in order to avoid duplication of effort and expense; and~~

~~(d) Hold public hearings to allow public input and involvement))~~ The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

(3) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

NEW SECTION. Sec. 4. A new section is added to chapter 59.22 RCW to read as follows:

(1) A manufactured housing task force is established to study and make recommendations concerning the structure state government should use to regulate manufactured housing in this state. In conducting this study, the task force shall review the structures used in other states, including those states with a commission structure. The task force shall consider the report prepared by the department of licensing, the department of labor and industries, and the department of community development on consolidating mobile home-related functions in conducting its study. The task force may not consider any form of mobile home rent control, but shall consider mobile home park siting and density regulatory issues.

(2) The task force shall submit a final report containing its findings and recommendations to the house of representatives housing committee and the senate commerce and labor committee by December 1, 1992. The task force shall terminate on December 31, 1992.

(3) The task force shall consist of the following members:

(a) Two members of the house of representatives appointed by the speaker of the house of representatives, from different political caucuses;

(b) Two members of the senate appointed by the president of the senate, from different political caucuses;

(c) Two members who represent mobile home park owners, appointed by the governor;

(d) Two members who represent mobile home owners, appointed by the governor;

(e) One member who represents mobile home manufacturers, appointed by the governor;

(f) One member who represents mobile home dealers, appointed by the governor;

(g) One member who represents mobile home transporters, appointed by the governor;

(h) One member who represents local building officials, appointed by the governor;

(i) One member who is either an elected or appointed government official of a county with a population of one hundred thousand or more persons, appointed by the governor;

(j) One member who is either an elected or appointed government official of a county with a population of less than one hundred thousand persons, appointed by the governor;

(k) One member who is either an elected or appointed government official of a city with a population of thirty-five thousand persons, appointed by the governor;

(l) One member who is either an elected or appointed government official of a city with a population of less than thirty-five thousand persons, appointed by the governor;

(m) One member who represents local health officials, appointed by the governor; and

(n) The director, or the director's designee from the department of community development, the department of licensing, the department of labor and industries, and the attorney general's office. The designees shall be nonvoting, ex officio members of the task force.

(4) The members of the task force shall select the chair or co-chairs of the task force.

(5) Staff assistance for the task force will be provided by legislative staff and staff from the agencies or offices listed in subsection (3)(n) of this section.

Sec. 5. RCW 82.08.065 and 1990 c 171 s 8 are each amended to read as follows:

In the collection of the sales tax on mobile homes (~~and the fee imposed in RCW 59.21.060(1)~~), the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax and the fee at the time the mobile home dealer or selling agent applies for a new certificate of ownership for such mobile home

in the instance where transfer of ownership was from a mobile home dealer or person deemed a selling agent under RCW 82.04.480, except where the applicant presents a written statement signed by the department of revenue or its duly authorized agent showing that no retail sales tax or use tax is legally due. The term "mobile home" as used in this section means a mobile home as defined in RCW 46.04.302. It shall be the duty of every mobile home dealer or selling agent to declare upon the application for a new certificate of ownership the selling price paid for the mobile home. Any person willfully misrepresenting, or failing or refusing to declare upon the application, such selling price shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of RCW 82.12.045 pay over and account to the state treasurer for all sales tax revenue collected under this section, after first deducting as his or her collection fee the sum of two dollars for each mobile home upon which the tax has been collected.

Any applicant who has paid sales tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund is allowed unless application therefor is received by the department of revenue within four years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180, and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to adopt such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by the director of licensing in remitting sales tax revenue to the state treasurer.

Sec. 6. RCW 82.45.090 and 1990 c 171 s 7 are each amended to read as follows:

The tax imposed by this chapter (~~and the fee imposed in RCW 59.21.060(1)~~) shall be paid to and collected by the treasurer of the county within which is located the real property which was sold, said treasurer acting as agent for the state. The county treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales and used floating home sales. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer.

NEW SECTION. Sec. 7. The fifteen-dollar fee imposed in section 1 of this act on the transfer or elimination of mobile home titles for deposit in the mobile home affairs account, shall supersede the fifteen dollars collected in RCW 59.21.060 for deposit into the mobile home affairs account on July 1, 1991.

NEW SECTION. Sec. 8. A new section is added to chapter 59.21 RCW to read as follows:

The legislature recognizes that it is quite costly to move a mobile home. Many mobile home tenants need financial assistance in order to move their mobile homes from a mobile home park. The purpose of this chapter is to provide a mechanism for assisting mobile home tenants to relocate to suitable alternative sites when the mobile home park in which they reside is closed or converted to another use.

NEW SECTION. Sec. 9. A new section is added to chapter 59.21 RCW to read as follows:

Each mobile home park-owner shall pay an annual fee of five dollars for each occupied lot in the mobile home park. Lots that are occupied by mobile homes or recreational vehicles owned by the park-owner are exempt from this fee requirement. The fee shall be due on October 1 of each year. The fee shall be remitted by the park-owner to the department of revenue under rules as the department shall prescribe. The fee imposed under this section shall be forwarded by the department of revenue to the state treasurer for deposit into the mobile home park relocation fund. The provisions of chapter 82.32 RCW shall apply to the collection and enforcement of this fee.

Sec. 10. RCW 59.21.010 and 1990 c 171 s 1 are each amended to read as follows:

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

(1) "Director" means the director of the department of community development.

(2) "Department" means the department of community development.

(3) "Fund" means the mobile home park relocation fund established under RCW 59.21.050 consisting of ~~((tenant and landlord contributions))~~ park-owner fee payments under section 9 of this act as well as park-owner payments when there are insufficient moneys in its fund.

(4) "Low-income" means at or below eighty percent of median household income as defined by the United States department of housing and urban development, for the county or standard metropolitan statistical area where the park is located.

(5) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(6) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(7) "Relocate" means to remove the mobile home from the mobile home park being closed.

(8) "Relocation assistance" means the monetary assistance provided under RCW 59.21.020.

Sec. 11. RCW 59.21.020 and 1990 c 171 s 2 are each amended to read as follows:

(1) If a mobile home park is closed or converted to another use, all ~~((affected))~~ low-income park tenants owning a mobile home are entitled to relocation assistance from the park-owner or the fund at the time the tenant relocates as follows: (a) For a single-wide mobile home, four thousand five hundred dollars; and (b) for a double-wide or larger mobile home, seven thousand five hundred dollars. ~~((No park tenant shall receive relocation assistance from the park owner or the fund for relocation of a recreational vehicle))~~ The park-owner shall pay the actual relocation expenses, not to exceed two thousand dollars, for the relocation of recreational vehicles used as residences. The relocation assistance costs shall be adjusted annually by the housing component of the consumer price index for the Washington state area.

(2) When a tenant is forced to relocate before July 1, 1991, the payment of relocation assistance as provided by this section shall be paid by the park-owner. However, if the tenant has been given notice to vacate prior to April 1, 1989, and the tenant has not yet relocated as of April 28, 1989, the payment of relocation assistance by the park-owner shall be required only if the tenant is low income.

(3) When a tenant is forced to relocate after June 30, 1991, the payment of relocation assistance to low-income park tenants as provided in this section shall be ~~((shared as follows: The landlord or park owner shall provide one third and the fund shall provide two thirds.~~

~~(4) After July 1, 1992, (a) if twenty four months' notice of closure is given, the landlord or park owner shall provide five hundred dollars for a single wide home or one thousand dollars for a double wide or larger home and the fund shall provide the balance of the relocation assistance to low income park tenants; (b) if the park owner gives less than twenty four months' notice the park owner shall provide one third and the fund shall provide two thirds of the relocation assistance to low income park tenants.~~

~~(5)) made from the mobile home park relocation fund unless there are insufficient moneys in the fund.~~

(4) The park-owner shall be responsible for paying up to the full amount of relocation assistance to low-income park tenants if there are insufficient moneys in the fund until July 1, 1992. The department shall adopt rules governing disbursements of assistance from the fund and park-owner payments when there are insufficient moneys to meet the demand for relocation assistance.

(5) The tenant may recover court costs and a reasonable attorney's fee in any action brought to require the park-owner to pay relocation assistance in which the tenant prevails.

(6) If the park-owner does not pay his or her portion of the relocation assistance when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.

(7) All tenants eligible for relocation assistance shall apply for verification of eligibility to the department. The department shall issue a document to each tenant signifying the tenant's low-income status, or status other than low income to be given to the park-owner by the tenant.

~~((6) The park owner shall be responsible for paying up to the full amount of relocation assistance to low income park tenants if there are insufficient moneys in the fund. The department shall adopt rules governing disbursements of assistance from the fund and park owner payments when there are insufficient moneys to meet the demand for relocation assistance.~~

~~(7) The park owner shall pay park tenants who do not qualify as low income tenants the same amount of relocation assistance that low income park tenants are entitled to from the park owners under this section. The landlord shall pay the relocation assistance directly to the tenant if the tenant submits to the landlord a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation. The tenant may recover court costs and a reasonable attorney's fee in any action brought to require the landlord to pay relocation assistance under this subsection in which the tenant prevails.~~

~~(8) The park owner shall make any payment to the department required by this chapter when demanded by the department; however, the department shall not demand such payment earlier than thirty days prior to the expected relocation date of the tenant. If the landlord does not pay his or her portion of the relocation assistance to the department when required by this chapter, the department shall have a lien on the real property on which the park is located. Such lien shall be collected as delinquent general property taxes and shall be forwarded to the department by the county treasurer.~~

~~(9)) (8) The director or his or her designee shall approve all expenditures from the fund.~~

~~((10)) (9) Relocation assistance contributions required from landlords or park-owners by this section shall be reduced by the amount paid or required to be paid under any other law for the same mobile home park tenant for the same relocation.~~

~~((14)) (10) Notwithstanding RCW 59.21.100, it is a violation of this chapter to request or require as a condition of initiating or renewing a tenancy in a mobile home park, a waiver of relocation assistance under this section or any other law or ordinance.~~

Any such waiver, regardless of the date of its execution, is void and unenforceable as contrary to public policy.

~~((12))~~ (11) Any park-owner coercing or attempting to coerce a tenant into terminating a tenancy for the purpose of avoiding the payment of relocation assistance shall give rise to a civil cause of action for damages or equitable relief by a tenant injured by such act.

Sec. 12. RCW 59.21.050 and 1990 c 171 s 5 are each amended to read as follows:

(1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from fees collected under this chapter, and amounts required to be paid by park-owners to low-income park tenants when there are insufficient moneys in the fund shall be deposited into the fund. Expenditures from the fund may be used only for relocation assistance under RCW 59.21.020, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments to low-income park tenants, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys. Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A low-income park tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the park-owner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

Sec. 13. RCW 59.21.060 and 1990 c 171 s 6 are each amended to read as follows:

(1) There is hereby imposed a fee of sixty-five dollars on every transfer of title issued pursuant to chapter 46.12 RCW on new or used mobile homes where ownership of the mobile home is changed ~~((by any transaction including but not limited to sales and gift transactions and transfers of ownership which involve))~~ and on each application for the elimination of title under chapter 65.20 ((RCW)) RCW. The ~~((county auditor or county treasurer))~~ department of licensing or its agents shall collect the fee ((as provided in chapter 82.08 or 82.45 RCW)) when processing the application for transfer or elimination of title. The fee collected under this section shall be forwarded to the state treasurer. The state treasurer shall deposit fifty dollars of each fee collected in the mobile home park relocation fund created under RCW 59.21.050 and the remaining fifteen dollars of each fee collected in the mobile home affairs account created by RCW 59.22.070.

(2) The ~~((department of revenue, the))~~ department of licensing((+)) and the state treasurer may enact any rules necessary to carry out this section.

(3) This section shall expire July 1, 1992.

Sec. 14. RCW 59.21.110 and 1989 c 201 s 15 are each amended to read as follows: Any person who intentionally violates, intentionally attempts to evade, or intentionally evades the provisions of this ((aet)) chapter is guilty of a misdemeanor.

NEW SECTION. Sec. 15. A new section is added to chapter 59.21 RCW to read as follows:

The department shall waive the requirement for a park-owner to pay relocation assistance under this chapter when the mobile home park is involuntarily closed. A park-owner may not avoid the responsibility to pay relocation assistance by failing to provide necessary maintenance to the park. The department shall adopt rules for the granting of waivers under this section.

NEW SECTION. Sec. 16. A new section is added to chapter 59.21 RCW to read as follows:

(1) The legislature finds that existing older mobile homes provide affordable housing to many persons of low income, and that requiring these homes that are legally located in mobile home parks to meet new fire, safety, and construction codes because they are relocating due to the closure or conversion of the mobile home park, compounds the economic burden facing these tenants.

(2) Mobile homes that are relocated due to either the closure or conversion of a mobile home park, may not be required by any city or county to comply with the requirements of any applicable fire, safety, or construction code for the sole reason of its relocation. This section shall only apply if the original occupancy classification of the building is not changed as a result of the move.

(3) This section shall not apply to mobile homes that are substantially remodeled or rehabilitated, nor to any work performed in compliance with installation requirements. For the purpose of determining whether a moved mobile home has been substantially remodeled or rebuilt, any cost relating to preparation for relocation or installation shall not be considered.

NEW SECTION. Sec. 17. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 18. RCW 59.22.900 and 1987 c 482 s 12 are each repealed.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

On page 1, line 1 of the title, after "affairs;" strike the remainder of the title and insert "amending RCW 59.22.020, 59.22.050, 82.08.065, 82.45.090, 59.21.010, 59.21.020, 59.21.050, 59.21.060, and 59.21.110; adding new sections to chapter 59.22 RCW; adding new sections to chapter 59.21 RCW; creating new sections; repealing RCW 59.22.900; providing an effective date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Matson, Murray, Bluechel; Representatives Nelson, Leonard, Winsley.

MOTION

Mr. Nelson moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1440. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1440 as recommended by Conference Committee.

Representatives Nelson and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1440 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1440 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 2071

April 26, 1991
Includes "New Item": YES

Giving the governor the authority to appoint the medical disciplinary board.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071, Medical disciplinary board, have had the same under consideration and we recommend that:

That the Senate Committee on Health & Long-Term Care amendment be not adopted; and

That the following Conference Committee striking amendment be adopted:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.72 RCW to read as follows:

There is hereby created the Washington state medical disciplinary board. The board shall be composed of one holder of a valid license to practice medicine and surgery under this chapter from each congressional district now existing or hereafter created in the state, four members representing the public, and one physician assistant authorized to practice under chapter 18.71A RCW. The physician assistant member shall vote only on matters relating to the discipline of physician assistants. The members of the board shall be appointed by the governor. The governor may stagger initial terms of appointment and thereafter all terms of appointment shall be for four years. The governor shall consider such physician and physician assistant members who are recommended for appointment by the appropriate professional associations in the state. The members representing the public shall be persons whose occupations are other than the administration of health activities or the providing of health services, who have no fiduciary obligations to a health facility or other health agency, and who have no material financial interest in the rendering of health services.

Nothing in this section shall affect the current terms of members of the board who are serving on the board on the effective date of this act.

Vacancies on the board shall be filled promptly by the governor, and a member appointed to fill a vacancy on the board shall continue to serve until his or her successor is appointed.

The terms of office of members of the board shall not be affected by changes in congressional district boundaries.

The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor to the board and shall represent it in legal proceedings.

NEW SECTION. Sec. 2. A new section is added to chapter 18.72 RCW to read as follows:

To assist in identifying impairment related to alcohol abuse, the board may obtain a copy of the driving record of a physician or a physician assistant maintained by the department of licensing.

Sec. 3. RCW 18.130.180 and 1989 c 270 s 33 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) RCW 18.72.040 and 1986 c 300 s 2, 1977 c 71 s 1, & 1955 c 202 s 4;

(2) RCW 18.72.050 and 1982 1st ex.s. c 30 s 3, 1977 c 71 s 2, & 1955 c 202 s 5;

(3) RCW 18.72.055 and 1982 1st ex.s. c 30 s 4;

(4) RCW 18.72.060 and 1979 ex.s. c 111 s 2 & 1955 c 202 s 6;

(5) RCW 18.72.070 and 1955 c 202 s 7; and

(6) RCW 18.72.080 and 1955 c 202 s 8.

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 18.130.180; adding new sections to chapter 18.72 RCW; and repealing RCW 18.72.040, 18.72.050, 18.72.055, 18.72.060, 18.72.070, and 18.72.080." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators L. Smith, Johnson; Representatives Braddock, Prentice, Moyer.

MOTION

Mr. Braddock moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 2071. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2071 as recommended by Conference Committee.

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 2071 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2071 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

CONFERENCE COMMITTEE REPORT

SB 5049

April 25, Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5049, simplifying disposal of abandoned junk vehicles, have had the same under consideration and we recommend that:

The following House Transportation Committee striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 5. RCW 46.55.010 and 1989 c 111 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for ninety-six consecutive hours.

(2) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(4) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has ((a)) an approximate fair market value equal only to the approximate value of the scrap in it.

(5) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(6) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) "Residential property" means property that has no more than four living units located on it.

(8) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(9) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

(i) Constituting an accident or a traffic hazard as defined in RCW 46.55.113 Immediately

(ii) On a highway and tagged as described in RCW 46.55.085 24 hours

(iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately

(b) Private locations:

(i) On residential property Immediately

(ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately

(iii) On private, nonresidential property, not posted 24 hours

Sec. 6. RCW 46.55.230 and 1987 c 311 s 19 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director ((may)) shall inspect and ((certify that a vehicle meets the requirements of a)) may authorize the disposal of an abandoned junk vehicle. The person making the ((certification)) inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also ((describe in detail the damage or missing equipment to)) verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall ~~((obtain a junk vehicle notification form from the department. The landowner shall send by certified mail, notification))~~ mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to ~~((contest the sale of a junk vehicle in a district court hearing))~~ arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner ~~((shall place a legal notice of custody and sale in a newspaper of general circulation in the county. The newspaper notice shall include (a) the description of the vehicle; (b) the address of the location of the junk vehicle; (c) the date by which the registered or legal owner must redeem the vehicle; and (d) a telephone number where the landowner can be reached. If the vehicle remains unclaimed more than twenty days after publication of the notice, the landowner))~~ may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Sec. 7. RCW 46.55.240 and 1989 c 111 s 17 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of ~~((unauthorized))~~ junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in

the transfer of ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

In line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.010, 46.55.230, and 46.55.240."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McMullen, Oke; Representatives Cooper, Orr, Betrozoff.

MOTION.

Mr. Cooper moved that the House adopt the Report of Conference Committee on Senate Bill No. 5049. The motion was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5049 as recommended by Conference Committee.

Representatives Cooper and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5049 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5049 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1704, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SHB 1704

April 26, 1991
Includes "New Item": YES

Changing provisions relating to motor vehicles.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1704, Motor vehicle fuel tax, have had the same under consideration and we recommend that:

The Senate amendment to page 8, line 14, be not adopted, and

That the following Conference Committee amendment, beginning on page 24, after line 8, be adopted:

On page 24, after line 8, insert the following:

Sec. 16. RCW 46.01.140 and 1990 c 250 s 89 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of two dollars for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These ((additional)) fees, if paid to the county auditor as agent of the director, or if paid to ((an agent)) a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application(~~:- PROVIDED, That an agent of the county auditor~~)).

(3) A subagent is entitled to an additional service charge of two dollars. However, from July 1, 1991, through 30, 1992, subagents shall collect a service fee of (a) five dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) two dollars and twenty-five cents for registration renewal only, issuing a transit permit, or any other service under this section.

~~((3))~~ (4) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

NEW SECTION. Sec. 17. The director of licensing shall review the costs and revenues of all vehicle licensing agents and subagents and the benefits provided to the communities they serve and submit a report by January 15, 1992, to the legislative transportation committee including the following:

(1) Criteria for determining the costs and benefits of title and registration activities by agents and subagents;

(2) A review of the rate structure for agents and subagents;

(3) A review of other fee structures for counties and subagents;

(4) An estimate of the costs of providing each individual title and registration function;

(5) Consideration of the need for cost allocations, such as a revolving fund or other mechanisms for funding an automated licensing system;

(6) Consideration of the County Auditors' Automation Program (CAAP) system and other changes in methods of providing title and registration services since adoption of the current method of compensating agents and subagents;

(7) Recommendations for a process to allow counties to recover their full costs of vehicle title and registration activities without increasing costs to consumers;

(8) Recommendations for one standard contract to be used by the director of licensing for county auditor agents and one standard contract for subagents, with provisions in each requiring disclosure of all costs and revenues to the director, but protecting the confidentiality of this information;

(9) An examination of alternative methods of providing title and registration services.

Sec. 18. RCW 46.01.270 and 1967 c 32 s 4 are each amended to read as follows:

The county auditor may destroy applications for vehicle licenses~~(,)~~ and any copies of vehicle licenses issued~~((, applications for vehicle driver's licenses, and copies of issued vehicle driver's licenses, if any there be,))~~ after such records ~~((shall))~~ have been on file in ~~((his))~~ the auditor's office for a period of ~~((three years))~~ eighteen months, unless otherwise directed by the director.

Sec. 19. RCW 46.12.101 and 1990 c 238 s 4 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. Within five days, excluding Saturdays, Sundays, and state and federal holidays, the owner shall notify the department in writing, on the appropriate form, of the date of the sale or transfer ((giving the date thereof)), the name and address of the owner and of the transferee, and such description of the vehicle, including the vehicle identification number, the license plate number, or both, as may be required in the appropriate form provided for that purpose by the department.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of

delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

Sec. 20. RCW 46.16.220 and 1975 1st ex.s. c 118 s 9 are each amended to read as follows:

Vehicle licenses and vehicle license number plates may be renewed for the subsequent registration year on and after the forty-fifth day prior to the end of the current registration year and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later(~~≠ PROVIDED, That in no case shall a citation be issued for nonregistration prior to the first day of the month following the calendar month in which vehicle licenses and vehicle license number plates are to be renewed~~)).

Sec. 21. RCW 46.16.381 and 1990 c 24 s 1 are each amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk and meets one of the following criteria, as determined by a licensed physician:

(a) ~~((Loss of both lower limbs))~~ Cannot walk two hundred feet without stopping to rest;

(b) ~~((Loss of normal or full use of the lower limbs to sufficiently constitute a severe disability))~~ Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Is so severely disabled, that the person cannot ((move)) walk without the ((aid of crutches or a wheelchair)) use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) ~~((Loss of both hands))~~ Uses portable oxygen;

(e) ~~((Suffers from))~~ Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association; or

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician of the applicant shall

document that the disability is comparable in severity to the others listed in this subsection.

(2) Persons ~~((with))~~ who qualify for special parking privileges are entitled to receive from the department of licensing ~~((both a special card to be left in a vehicle in a conspicuous place and, for one motor vehicle only, a decal to be attached to the vehicle in a conspicuous place designated by the director))~~ a removable windshield placard bearing the international symbol of access. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the disabled person. Instead of ~~((the decal and))~~ regular motor vehicle license plates, ~~((the))~~ disabled persons are entitled to receive ~~((a))~~ special license ~~((plate. The card, decal, and special license plate shall be designed to show distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport a disabled person.))~~ plates bearing the international symbol of access for one vehicle registered in the disabled person's name. Disabled persons who are not issued the special license plates are entitled to receive a second special placard. Persons who have been issued the parking privileges and who are using a vehicle~~((s))~~ or are riding in a vehicle displaying the special license ~~((plate, card, or decal shall be permitted to))~~ plates or placard may park in places ~~((otherwise))~~ reserved for ~~((physically))~~ mobility disabled persons. The director shall ~~((also))~~ adopt rules providing for the issuance of special ~~((cards))~~ placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, senior citizen centers, and private nonprofit agencies as defined in chapter 24.03 RCW that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. ~~The ~~((special card shall be displayed in a vehicle operated when actually transporting the disabled persons))~~ director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, senior citizen center, or private nonprofit agency if the vehicle is primarily used to transport persons with disabilities described in this section.~~ Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are responsible for insuring that the special ~~((cards))~~ placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special ~~((decals or))~~ license plates shall be removed from the motor vehicle. ~~((The person shall immediately surrender the decal to the director together with a notice of the transfer of interest in the vehicle. If another vehicle is acquired by, or for the primary use of, the disabled person, a new decal shall be issued by the director.))~~ If another vehicle is acquired by the disabled person and the vehicle owner qualifies for a special plate ~~((is used))~~, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately ~~((forwarded))~~ surrendered to the director ~~((to be reissued later upon payment of the regular registration fee)).~~

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who ~~((is permanently disabled under this section shall be issued a permanent card. A person who is temporarily disabled under this section shall))~~ has a condition expected to improve within six months may be issued a temporary ~~((card which))~~ placard for a period not to exceed six months. The director may issue a second temporary placard during that period if requested by the person who is temporarily disabled. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the disabled person's physician. The parking placard of a disabled person shall be

renewed, when required by the director, by satisfactory proof of the right to continued use of the ~~((card))~~ privileges.

(5) Additional fees shall not be charged for the issuance of the special ~~((card and decal, and, at the time the vehicle is originally licensed in this state,))~~ placards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon ~~((initial))~~ registration of a motor vehicle.

(6) Any unauthorized use of the special ~~((card, the decal,))~~ placard or the special license plate is a ~~((traffic infraction))~~ misdemeanor.

(7) It is a traffic infraction, with a monetary penalty of not less than fifteen and not more than fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate ~~((, card, or decal))~~ or placard. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate ~~((, card, or decal))~~ or placard required under this section ~~((or demonstrates that the person was entitled to the special license plate, card, or decal)).~~

(8) It is a misdemeanor for any person to willfully obtain a special ~~((decal,))~~ license plate ~~((, or card))~~ or placard in a manner other than that established under this section.

Sec. 22. RCW 46.16.390 and 1984 c 51 s 1 are each amended to read as follows:

A special license plate ~~((,))~~ or card ~~((, or decal))~~ issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to lawfully park in a parking place reserved for physically disabled persons pursuant to chapter 70.92 RCW or authority implemental thereof.

Sec. 23. RCW 46.20.308 and 1989 c 337 s 8 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcoholic content of his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. However, in those instances where: (a) The person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample; or (b) as a result of a traffic accident the person is being treated for a medical condition in a hospital, clinic, doctor's office, or other similar facility in which a breath testing instrument is not present, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(4). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver that (a) his or her privilege to drive will be revoked or denied if he or she refuses to submit to the test, and (b) that his or her refusal to take the test may be used in a criminal trial.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which another person has been injured and there is a reasonable likelihood that such other person may die as a result of injuries sustained in

the accident, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) The department of licensing, upon the receipt of a sworn report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor and that the person had refused to submit to the test or tests upon the request of the law enforcement officer after being informed that refusal would result in the revocation of the person's privilege to drive, shall revoke the person's license or permit to drive or any nonresident operating privilege.

(7) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, the department shall immediately notify the person involved in writing by personal service or by certified mail of its decision and the grounds therefor, and of the person's right to a hearing, specifying the steps he or she must take to obtain a hearing. Within fifteen days after the notice has been given, the person may, in writing, request a formal hearing. Upon receipt of such request, the department shall afford the person an opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the scope of such hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor, whether the person was placed under arrest, and whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's privilege to drive. The department shall order that the revocation either be rescinded or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as provided in this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during pendency of the hearing and appeal.

(8) If the revocation is sustained after such a hearing, the person whose license, privilege, or permit is revoked has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the manner provided in RCW 46.20.334.

(9) The department shall rescind the revocation of a person's driving privilege under this section upon notification from the court of record that, for the incident upon which the department based its administrative action:

(a)(i) The officer's grounds for believing that the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor were based solely on a nonalcohol or nondrug-related medical condition or (ii) the person's refusal or inability to submit to a breath test was based solely on a nonalcohol or nondrug-related medical condition; and

(b) The person has been found not guilty of driving or being in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug including any drug prescribed for the medical condition. Upon

notification from the court of record of a not guilty finding, the department shall expunge the implied consent violation from the person's driving record.

(10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 24. RCW 46.30.020 and 1989 c 353 s 2 are each amended to read as follows:

(1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

(2) A violation of this section constitutes a traffic infraction punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court.

(3) If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed.

(4) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW (~~46.16.310 or 46.16.315~~) 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(5) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

Sec. 25. RCW 46.61.582 and 1984 c 154 s 5 are each amended to read as follows:

Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special (~~card, decal,~~) placard or license plate under RCW 46.16.381 to be eligible for the privileges under this section.

Sec. 26. RCW 46.61.583 and 1984 c 51 s 2 are each amended to read as follows:

A special license plate(~~(s)~~) or card(~~(, or decal)~~) issued by another state or country that indicates an occupant of the vehicle is disabled, entitles the vehicle on or in which it is displayed and being used to transport the disabled person to the same overtime parking privileges granted under this chapter to a vehicle with a similar special license plate(~~(s)~~) or card(~~(, or decal)~~) issued by this state.

Sec. 27. RCW 46.63.020 and 1990 c 250 s 59 and 1990 c 95 s 3 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or

resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.011 relating to permitting unauthorized persons to drive;
- (8) RCW 46.16.160 relating to vehicle trip permits;
- (9) RCW 46.16.381(6) or (8) relating to unauthorized use or acquisition of a special ~~((decal,))~~ placard or license plate ~~((or card))~~ for disabled persons' parking;
- (10) RCW 46.20.021 relating to driving without a valid driver's license;
- (11) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (12) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (13) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (14) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (15) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;
- (16) RCW 46.25.170 relating to commercial driver's licenses;
- (17) Chapter 46.29 RCW relating to financial responsibility;
- (18) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (19) RCW 46.37.435 relating to wrongful installation of sunscreening material;
- (20) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (21) RCW 46.48.175 relating to the transportation of dangerous articles;
- (22) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (23) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (24) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (25) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (26) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- (27) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (28) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- (29) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (30) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (31) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (32) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (33) RCW 46.61.500 relating to reckless driving;

- (34) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (36) RCW 46.61.522 relating to vehicular assault;
- (37) RCW 46.61.525 relating to negligent driving;
- (38) RCW 46.61.530 relating to racing of vehicles on highways;
- (39) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (40) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (41) RCW 46.64.020 relating to nonappearance after a written promise;
- (42) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (43) Chapter 46.65 RCW relating to habitual traffic offenders;
- (44) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- (45) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- (46) Chapter 46.80 RCW relating to motor vehicle wreckers;
- (47) Chapter 46.82 RCW relating to driver's training schools;
- (48) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
- (49) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 28. RCW 46.70.023 and 1989 c 301 s 2 are each amended to read as follows:

(1) An "established place of business" requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the ~~((business))~~ business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an "established place of business" unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law. This subsection does not apply to auction companies that do not own vehicle inventory or sell vehicles from an auction yard.

(2) An auction company shall have office facilities within the state. The books, records, and files necessary to conduct the business shall be maintained at the office facilities. All storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. An auction company shall maintain a telecommunications system.

(3) Auction companies shall post their vehicle dealer license at each auction where vehicles are offered, and shall provide the department with the address of the auction at least three days before the auction.

(4) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed (~~new motor vehicle~~) dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the Administrative Procedure Act.

(5) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(6) A subagency shall comply with all requirements of an established place of business, except that auction companies shall comply with the requirements in subsection (2) of this section.

(7) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency. Auction companies are not required to obtain a temporary subagency license.

(8) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(9) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(10) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(11) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(12) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(13) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

Sec. 29. RCW 35.58.273 and 1990 c 42 s 316 are each amended to read as follows:

(1) Through June 30, 1992, any municipality within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county is authorized to levy and collect a special excise tax not exceeding .7824 percent and beginning July 1, 1992, .725 percent on the ~~((fair market))~~ value, as determined under chapter 82.44 RCW, of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 ~~((5) and (6))~~ (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .815 percent, and beginning July 1, 1992, .725 percent on the ~~((fair market))~~ value, as determined under chapter 82.44 RCW, of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(3) A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(4) A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 30. RCW 88.02.030 and 1989 c 393 s 13 and 1989 c 102 s 1 are each reenacted and amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels either (a) registered or numbered under the laws of a country other than the United States; or (b) having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94;

(4) ~~Vessels (owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state. PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter))~~ that have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation. However, a vessel that is validly registered in another state but that is removed to this state for principal use is subject to registration under this chapter. The issuing authority for this state shall recognize the validity of the numbers previously issued for a period of sixty days after arrival in this state;

(5) Vessels owned by a resident of another state if the vessel is located upon the waters of this state exclusively for repairs or reconstruction, or any testing related to the repair or reconstruction conducted in this state if an employee of the repair facility is on board the vessel during any testing: PROVIDED, That any vessel owned by a resident of another state is located upon the waters of this state exclusively for repairs, reconstruction or testing for a period longer than sixty days, that the nonresident shall file an affidavit with the department of revenue verifying the vessel is located upon the waters of this state for repair, reconstruction or testing and shall continue to file such affidavit every sixty days thereafter, while the vessel is located upon the waters of this state exclusively for repairs, reconstruction or testing;

(6) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status; and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

Sec. 31. RCW 88.02.070 and 1985 c 258 s 4 are each amended to read as follows:

(1) The department shall provide for the issuance of vessel certificates of title. Applications for certificates may be made through the agents appointed under RCW 88.02.040. The fee for a vessel certificate of title is five dollars. Fees for vessel certificates of title shall be deposited in the general fund. Security interests in vessels subject to the requirements of this chapter and attaching after July 1, 1983, shall be

perfected only by indication upon the vessel's title certificate. The provisions of chapters 46.12 and 46.16 RCW relating to motor vehicle certificates of registration, titles, certificate issuance, ownership transfer, and perfection of security interests, and other provisions which may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) Whenever a vessel is to be registered for the first time as required by this chapter, except for a vessel having a valid marine document as a vessel of the United States, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter, except for a vessel having a valid marine document as a vessel of the United States, shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. No new security interest or renewal or extension of an existing security interest is affected except as provided under the terms of this chapter and RCW 46.12.095.

(4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: ~~((Transfer of any part or all of the ownership of a vessel registered under this chapter.))~~ Any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

(5) Within five days, excluding Saturdays, Sundays, and state and federal holidays, the owner shall notify the department in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, and such description of the vessel, including the hull identification number, the vessel decal number, or both, as may be required by the department.

NEW SECTION. Sec. 32. A new section is added to chapter 88.02 RCW to read as follows:

(1) The department may issue confidential vessel registration for law enforcement purposes only to units of local government and to agencies of the federal government.

(2) The department shall limit confidential vessel registrations owned or operated by the state of Washington or by any officer or employee thereof, to confidential, investigative, or undercover work of state law enforcement agencies.

(3) The director may adopt rules governing applications for and the use of confidential vessel registrations by law enforcement and other public agencies.

Sec. 33. RCW 88.02.220 and 1987 c 149 s 11 are each amended to read as follows:

A vessel dealer who receives cash or a negotiable instrument ~~((from a purchaser before delivery of the vessel))~~ of deposit in excess of one thousand dollars, or a deposit of any amount that will be held for more than fourteen calendar days, shall place the funds in a separate trust account.

(1) The cash or negotiable instrument must be set aside immediately upon receipt for the trust account, or endorsed to such a trust account immediately upon receipt.

(2) The cash or negotiable instrument must be deposited in the trust account by the close of banking hours on the day following the receipt.

(3) After delivery of the purchaser's vessel the vessel dealer shall remove the deposited funds from the trust account.

(4) The dealer shall not commingle the purchaser's funds with any other funds at any time.

(5) The funds shall remain in the trust account until the delivery of the purchased vessel. However, ~~((for the purpose of manufacturing a vessel that does not already exist, and))~~ upon written agreement from the purchaser, the vessel dealer may remove and release trust funds before delivery.

NEW SECTION. Sec. 34. Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

In line 3 of the title, after "82.36.030," strike the rest of the title and insert "82.38.150, 46.01.140, 46.01.270, 46.12.101, 46.16.220, 46.16.381, 46.16.390, 46.20.308, 46.30.020, 46.61.582, 46.61.583, 46.70.023, 35.58.273, 88.02.070, and 88.02.220; reenacting and amending RCW 46.63.020 and 88.02.030; adding new sections to chapter 82.36 RCW; adding a new section to chapter 46.87 RCW; adding a new section to chapter 82.42 RCW; adding a new section to chapter 88.02 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators von Reichbauer, Madsen, Oke; Representatives Cooper, R. Fisher, Mitchell.

MOTION

Mr. Cooper moved that the House adopt the Report of Conference Committee on Substitute House Bill No. 1704. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1704 as recommended by Conference Committee.

Representatives Cooper and Mitchell spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1704 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1704 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

ESB 5477

April 26, 1991

Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 5477, authorizing veterans' benefits for Women's Air Forces Service Pilots and merchant marines, have had the same under consideration, and we recommend that:

The House Committee on State Government amendment be adopted, and

The House Committee on State Government amendment be amended as follows:

On page 1 of the State Government Committee amendment, line 23, after "(c)" strike all material through "service;" on line 27 and insert: "a U.S. documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration, the office of defense transportation, or their agents, during the period of armed conflict, December 7, 1941, to August 15, 1945, or a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service during the period of armed conflict December 7, 1941, to August 15, 1945;"

On page 3 of the State Government Committee amendment, line 7, after "armed forces" insert "or to persons defined as "veterans" in RCW 41.04.005"

On page 3 of the State Government Committee amendment, line 17, strike "Other similar organizations do not include any groups defined as "veterans" in RCW 41.04.005." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, Oke, Conner; Representatives Anderson, Pruitt, McLean.

MOTION

Mr. Anderson moved that the House adopt the Report of Conference Committee on Engrossed Senate Bill No. 5477.

Mr. McLean spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Senate Bill No. 5477 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Senate Bill No. 5477 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Senate Bill No. 5477 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease until 6:00 p.m.

The Speaker (Mr. R. Meyers presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:00 p.m., Sunday, April 28, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ONE HUNDRED-FIFTH DAY-----
AFTERNOON SESSION

House Chamber, Olympia, Sunday, April 28, 1991

The House was called to order at 1:00 p.m. by the Speaker (Mr. R. Meyers presiding). The Clerk called the roll and all members were present except Representatives Anderson, Brekke, Cantwell, R. Johnson, Lisk, Morris, Scott, H., Sommers, Sprenkle, Van Luven and Winsley. On motion of Mr. Bray, Representative Anderson was excused. On motion of Mr. Mielke, Representatives Lisk, Van Luven and Winsley were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Hillary Hunt and Susan Curtis. Prayer was offered by Representative Bob Morton.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5147, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5170, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5475, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5629, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 27, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 5824, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

MESSAGE FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate adopted the 2nd report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1956, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SHB 1956

April 26, 1991

Includes "New Item": YES

Changing provisions for plant protection.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1956, Plant protection, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment be not adopted; and

That the following 2nd Conference Committee striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 15.09.080 and 1982 c 153 s 4 are each amended to read as follows:

(1) Whenever the horticultural pest and disease control board finds that an owner of land has failed to control and prevent the spread of horticultural pests and diseases on his land, as is his duty under RCW 15.09.060, it shall provide such person with written notice, which notice shall identify the pests and diseases found to be present and shall order prompt control or disinfection action to be taken within a specified and reasonable time period.

(2) If the person to whom the notice is directed fails to take action in accordance with this notice, then the board shall perform or cause to be performed such measures as

are necessary to control and prevent the spread of the pests and diseases on such property and the expense of this work shall be charged to such person. Any action that the board determines requires the destruction of infested plants, absent the consent of the owner, shall be subject to the provisions of subsection (3) of this section.

(3) In the event the owner of land fails to control and prevent the spread of horticultural pests and diseases as required by RCW 15.09.060, and the county horticultural pest and disease board determines that actions it has taken to control and prevent the spread of such pests or diseases has not been effective or the county horticultural pest and disease board determines that no reasonable measures other than removal of the plants will control and prevent the spread of such pests or diseases, the county horticultural pest and disease board may petition the superior court of the county in which the property is situated for an order directing the owner to show cause why the plants should not be removed at the owner's expense and for an order authorizing removal of said infested plants. The petition shall state: (a) The legal description of the property on which the plants are located; (b) the name and place of residence, if known, of the owners of said property; (c) that the county horticultural pest and disease board has, through its officers or agents, inspected said property and that the plants thereon, or some of them, are infested with a horticultural pest or disease as defined by RCW 15.08.010; (d) the dates of all notices and orders delivered to the owners pursuant to this section; (e) that the owner has failed to control and prevent the spread of said horticultural pest or disease; and (f) that the county horticultural pest and disease board has determined that the measures taken by it have not controlled or prevented the spread of the pest or disease or that no reasonable measure can be taken that will control and prevent the spread of such pest or disease except removal of the plants. The petition shall request an order directing the owner to appear and show cause why the plants on said property shall not be removed at the expense of the owner, to be collected as provided in this chapter. The order to show cause shall direct the owner to appear on a date certain and show cause, if any, why the plants on the property described in the petition should not be removed at the owner's expense. The order to show cause and petition shall be served on the owner not less than five days before the hearing date specified in the order in the same manner as a summons and complaint. In the event the owner fails to appear or fails to show by competent evidence that the horticultural pest or disease has been controlled, then the court shall authorize the county horticultural pest and disease board to remove the plants at the owner's expense, to be collected as provided by this chapter. If the procedure provided herein is followed, no action for damages for removal of the plants shall lie against the county horticultural pest and disease board, its officers or agents, or the county in which it is situated.

Sec. 2. RCW 15.26.155 and 1983 c 281 s 3 are each amended to read as follows:

The producers of tree fruit subject to the provisions of this chapter may at any time, by referendum conducted by the department and approved by a majority of the producers voting, establish an additional assessment for programs including but not limited to sanitation programs and the reregistration of plant protection products for use on minor crops. ~~((The total amount assessed for any specific industry service program under this section shall not exceed one hundred thousand dollars in any single crop year.))~~ The members of the commission may, subject to approval by two-thirds of the voting members of the commission, suspend all or part of the assessments on tree fruit under this section.

NEW SECTION. Sec. 3. PURPOSE. The purpose of this chapter is to provide a strong system for the exclusion of plant and bee pests and diseases through regulation of movement and quarantines of infested areas to protect the forest, agricultural, horticultural, floricultural, and apiary industries of the state; plants and shrubs within the state; and the environment of the state from the impact of insect pests, plant pathogens,

noxious weeds, and bee pests and the public and private costs that result when these infestations become established.

NEW SECTION. Sec. 4. **DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the state department of agriculture.

(2) "Director" means the director of the state department of agriculture or the director's designee.

(3) "Quarantine" means a rule issued by the department that prohibits or regulates the movement of articles, bees, plants, or plant products from designated quarantine areas within or outside the state to prevent the spread of disease, plant pathogens, or pests to nonquarantine areas.

(4) "Plant pest" means a living stage of an insect, mite, nematode, slug, snail, or protozoa, or other invertebrate animal, bacteria, fungus, or parasitic plant, or their reproductive parts, or viruses, or an organism similar to or allied with any of the foregoing plant pests, including a genetically engineered organism, or an infectious substance that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants.

(5) "Plants and plant products" means trees, shrubs, vines, forage, and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from the plants and plant products.

(6) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or a form of inspection and certification document that accompanies the movement of inspected and certified plant material and plant products, or bees, bee hives, or beekeeping equipment.

(7) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, plant products, or bees, bee hives, or beekeeping equipment regulated under this chapter, in which the person agrees to comply with stipulated requirements.

(8) "Distribution" means the movement of a regulated article from the property where it is grown or kept, to property that is not contiguous to the property, regardless of the ownership of the properties.

(9) "Genetically engineered organism" means an organism altered or produced through genetic modification from a donor, vector, or recipient organism using recombinant DNA techniques, excluding those organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs. 301-392).

(10) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee of any of these entities.

(11) "Sell" means to sell, to hold for sale, offer for sale, handle, or to use as inducement for the sale of another article or product.

(12) "Noxious weed" means a living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind that presents a threat to Washington agriculture or environment.

(13) "Regulated article" means a plant or plant product, bees or beekeeping equipment, noxious weed or other articles or equipment capable of harboring or transporting plant or bee pests or noxious weeds that is specifically addressed in rules or quarantines adopted under this chapter.

(14) "Owner" means the person having legal ownership, possession, or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, or their agent.

(15) "Nuisance" means a plant, or plant part, apiary, or property found in a commercial area on which is found a pest, pathogen, or disease that is a source of infestation to other properties.

(16) "Bees" means honey producing insects of the species *apis mellifera* and includes the adults, eggs, larvae, pupae, and other immature stages of *apis mellifera*.

(17) "Bee pests" means a mite, other parasite, or disease that causes injury to bees.

(18) "Biological control" means the use by humans of living organisms to control or suppress undesirable animals and plants; the action of parasites, predators, or pathogens on a host or prey population to produce a lower general equilibrium than would prevail in the absence of these agents.

(19) "Biological control agent" means a parasite, predator, or pathogen intentionally released, by humans, into a target host or prey population with the intent of causing population reduction of that host or prey.

(20) "Emergency" means a situation where there is an imminent danger of an infestation of plant pests or disease that seriously threatens the state's agricultural or horticultural industries or environment and that cannot be adequately addressed with normal procedures or existing resources.

NEW SECTION. Sec. 5. REGULATION OF PLANT, PLANT PRODUCT, AND BEE MOVEMENT. Notwithstanding the provisions of section 8 of this act, the director may:

(1) Make rules under which plants, plant products, bees, hives and beekeeping equipment, and noxious weeds may be brought into this state from other states, territories, or foreign countries; and

(2) Make rules with reference to plants, plant products, bees, bee hives and equipment, and genetically engineered organisms while in transit through this state as may be deemed necessary to prevent the introduction into and dissemination within this state of plant and bee pests and noxious weeds.

NEW SECTION. Sec. 6. INSPECTION AND INVESTIGATION. (1) The director may intercept and hold or order held for inspection, or cause to be inspected while in transit or after arrival at their destination, all plants, plant products, bees, or other articles likely to carry plant pests, bee pests, or noxious weeds being moved into this state from another state, territory, or a foreign country or within or through this state for plant and bee pests and disease.

(2) The director may enter upon public and private premises at reasonable times for the purpose of carrying out this chapter. If the director be denied access, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises. The court may upon such application issue the search warrant for the purposes requested.

(3) The director may adopt rules in accordance with chapter 34.05 RCW as may be necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 7. DETERMINATION OF ORIGIN. The director may demand of a person who has in his or her possession or under his or her control, plants, bees, plant products, or other articles that may carry plant pests, bee pests, or noxious weeds, full information as to the origin and source of these items. Failure to provide that information, if known, may subject the person to a civil penalty.

NEW SECTION. Sec. 8. POWER TO ADOPT QUARANTINE MEASURES--RULES. If determined to be necessary to protect the forest, agricultural, horticultural, floricultural, beekeeping, or environmental interests of this state, the director may declare a quarantine against an area, place, nursery, orchard, vineyard, apiary, or other agricultural establishment, county or counties within the state, or against other states, territories, or foreign countries, or a portion of these areas, in reference to plant pests, or bee pests, or noxious weeds, or genetically engineered plant or plant pest organisms. The director may prohibit the movement of all regulated articles from such quarantined places or areas that

are likely to contain such plant pests or noxious weeds or genetically engineered plant, plant pest, or bee pest organisms. The quarantine may be made absolute or rules may be adopted prescribing the conditions under which the regulated articles may be moved into, or sold, or otherwise disposed of in the state.

NEW SECTION. Sec. 9. **INTRODUCTION OF PLANT PESTS, NOXIOUS WEEDS, OR ORGANISMS AFFECTING PLANT LIFE.** The introduction into or release within the state of a plant pest, noxious weeds, bee pest, or any other organism that may directly or indirectly affect the plant life of the state as an injurious pest, parasite, predator, or other organism is prohibited, except under special permit issued by the department under rules adopted by the director. A special permit is not required for the introduction or release within the state of a genetically engineered plant or plant pest organism if the introduction or release has been approved under provisions of federal law and the department has been notified of the planned introduction or release. The department shall be the sole issuing agency for the permits. Except for research projects approved by the department, no permit for a biological control agent shall be issued unless the department has determined that the parasite, predator, or plant pathogen is target organism or plant specific and not likely to become a pest of nontarget plants or other beneficial organisms. The director may also exclude biological control agents that are infested with parasites determined to be detrimental to the biological control efforts of the state. The department may rely upon findings of the United States department of agriculture or any experts that the director may deem appropriate in making a determination about the threat posed by such organisms. In addition, the director may request confidential business information subject to the conditions in section 10 of this act.

Plant pests, noxious weeds, or other organisms introduced into or released within this state in violation of this section shall be subject to detention and disposition as otherwise provided in this chapter.

NEW SECTION. Sec. 10. **PROTECTION OF PRIVILEGED OR CONFIDENTIAL INFORMATION--PROCEDURE--NOTICE--DECLARATORY JUDGMENT.** (1) In submitting data required by this chapter, the applicant may: (a) Mark clearly portions of data which in his or her opinion are trade secrets or commercial or financial information; and (b) submit the marked material separately from other material required to be submitted under this chapter.

(2) Notwithstanding any other provision of this chapter or other law, the director shall not make information submitted by an applicant or registrant under this chapter available to the public if, in the judgment of the director, the information is privileged or confidential because it contains or relates to trade secrets or commercial or financial information. Where necessary to carry out the provisions of this chapter, information relating to unpublished formulas of products acquired by authorization of this chapter may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the director.

(3) If the director proposes to release for inspection or to reveal at a public hearing or in findings of fact issued by the director, information that the applicant or registrant believes to be protected from disclosure under subsection (2) of this section, he or she shall notify the applicant or registrant in writing, by certified mail. The director may not make this data available for inspection nor reveal the information at a public hearing or in findings of fact issued by the director until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may withdraw the application or may institute an action in the superior court of Thurston county for a declaratory judgment as to whether the information is subject to protection under subsection (2) of this section.

NEW SECTION. Sec. 11. COMPLIANCE AGREEMENTS. The director may enter into compliance agreements with a person engaged in growing, handling, or moving articles, bees, plants, or plant products regulated under this chapter.

NEW SECTION. Sec. 12. PROHIBITED ACTS. It shall be unlawful for a person to:

(1) Sell, offer for sale, or distribute a noxious weed or a plant or plant product or regulated article infested or infected with a plant pest declared by rule to be a threat to the state's forest, agricultural, horticultural, floricultural, or beekeeping industries or environment;

(2) Knowingly receive a noxious weed, or a plant, plant product, bees, bee hive or appliances, or regulated article sold, given away, carried, shipped, or delivered for carriage or shipment within this state, in violation of the provisions of this chapter or the rules adopted under this chapter;

(3) Fail to immediately notify the department and isolate and hold the noxious weed, bees, bee hives or appliances, plants or plant products, or other thing unopened or unused subject to inspection or other disposition as may be provided by the department, where the item has been received without knowledge of the violation and the receiver has become subsequently aware of the potential problem;

(4) Knowingly conceal or willfully withhold available information regarding an infested or infested plant, plant product, regulated article, or noxious weed;

(5) Introduce or move into this state, or to move or dispose of in this state, a plant, plant product, or other item included in a quarantine, except under rules as may be prescribed by the department, after a quarantine order has been adopted under this chapter against a place, nursery, orchard, vineyard, apiary, other agricultural establishment, county of this state, another state, territory, or a foreign country as to a plant pest, bee pest, or noxious weed or genetically engineered plant or plant pest organism, until such quarantine is removed.

NEW SECTION. Sec. 13. IMPOUND AND DISPOSITION. (1) If upon inspection, the director finds that an inspected plant or plant product or bees are infested or infested or that a regulated article is being held or transported in violation of a rule or quarantine of the department, the director shall notify the owner that a violation of this chapter exists. The director may impound or order the impounding of the infested or infested or regulated article in such a manner as may be necessary to prevent the threat of infestation. The notice shall be in writing and sent by certified mail or personal service identifying the impounded article and giving notice that the articles will be treated, returned to the shipper or to a quarantined area, or destroyed in a manner as to prevent infestation. The impounded article shall not be destroyed unless the director determines that (a) no effective treatment can be carried out; and (b) the impounded article cannot be returned to the shipper or shipped back to a quarantine area without threat of infestation to this state; and (c) mere possession by the owner constitutes an emergency.

(2) Before taking action to treat, return, or destroy the impounded article, the director shall notify the owner of the owner's right to a hearing before the director under chapter 34.05 RCW. Within ten days after the notice has been given the owner may request a hearing. The request must be in writing.

(3) The cost to impound articles along with the cost, if any, to treat, return, or destroy the articles shall be at the owner's expense. The owner is not entitled to compensation for infested or infected articles destroyed by the department under this section.

NEW SECTION. Sec. 14. STATE-WIDE SURVEY AND CONTROL ACTIVITY. If there is reason to believe that a plant or bee pest may adversely impact the forestry, agricultural, horticultural, floricultural, or related industries of the state; or may cause harm to the environment of the state; or such information is needed to facilitate or allow

the movement of forestry, agricultural, horticultural, or related products to out-of-state, foreign and domestic markets, the director may conduct, or cause to be conducted, surveys to determine the presence, absence, or distribution of a pest.

The director may take such measures as may be required to control or eradicate such pests where such measures are determined to be in the public interest, are technically feasible, and for which funds are appropriated or provided through cooperative agreements.

NEW SECTION. Sec. 15. **DIRECTOR'S COOPERATION WITH OTHER AGENCIES.** The director may enter into cooperative arrangements with a person, municipality, county, Washington State University or any of its experiment stations, or other agencies of this state, and with boards, officers, and authorities of other states and the United States, including the United States department of agriculture, for the inspection of bees, plants and plant parts and products and the control or eradication of plant pests, bee pests, or noxious weeds and to carry out other provisions of this chapter.

NEW SECTION. Sec. 16. **ACQUISITION OF LANDS, WATER SUPPLY, OR OTHER PROPERTIES FOR QUARANTINE LOCATIONS.** The director may acquire, in fee or in trust, by gift, or whenever funds are appropriated for such purposes, by purchase, easement, lease, or condemnation, lands or other property, water supplies, as may be deemed necessary for use by the department for establishing quarantine stations for the purpose of the isolation, prevention, eradication, elimination, and control of insect pests or plant pathogens that affect the agricultural or horticultural products of the state; for the propagation of biological control agents; or the isolation of genetically engineered plants or plant pests; or the isolation of bee pests.

NEW SECTION. Sec. 17. **REQUESTED INSPECTIONS--FEE FOR SERVICE.** To facilitate the movement or sale of forest, agricultural, floricultural, horticultural and related products, or bees and related products, the director may provide, if requested by farmers, growers, or other interested persons, special inspections, pest identifications, plant identifications, plant diagnostic services, other special certifications and activities not otherwise authorized by statute and to prescribe a fee for that service. The fee shall, as closely as practical, cover the cost of the service rendered, including the salaries and expenses of the personnel involved. Moneys collected shall be deposited in the plant pest account, which is hereby created within the agricultural local fund. No appropriation is required for disbursement from the plant pest account to provide the services authorized by this section.

NEW SECTION. Sec. 18. **PENALTIES--CRIMINAL AND CIVIL PENALTY.** Whenever the director finds that a person has committed a violation of any of the provisions of this chapter, and that violation has not been punished pursuant to RCW 17.24.100, the director may impose upon and collect from the violator a civil penalty not exceeding five thousand dollars per violation. Each violation shall be a separate and distinct offense. A person who knowingly, through an act of commission or omission, procures or aids or abets in the violation shall be considered to have violated this section and may be subject to the civil penalty.

NEW SECTION. Sec. 19. **VIOLATIONS--COSTS OF CONTROL.** A person who, through a knowing and willful violation of a quarantine established under this chapter, causes an infestation to become established, may be required to pay the costs of public control or eradication measures caused as a result of that violation.

NEW SECTION. Sec. 20. **FUNDS FOR TECHNICAL AND SCIENTIFIC SERVICES.** The director may, at the director's discretion, provide funds for technical or scientific services, labor, materials and supplies, and biological control agents for the control of plant pests, bee pests, and noxious weeds.

NEW SECTION. Sec. 21. **DETERMINATION OF IMMINENT DANGER OF INFESTATION OF PLANT PESTS OR PLANT DISEASES--EMERGENCY MEASURES--CONDITIONS--PROCEDURES.** (1) If the director determines that there

exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, or economic well-being, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010(14). The director's findings shall contain an evaluation of the affect of the emergency measures on public health.

(2) If an emergency is declared pursuant to RCW 43.06.010(14), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010(14) and this section and make subsequent recommendations to the governor. The committee shall include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals or companies, or both, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ten days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued.

Sec. 22. RCW 43.06.010 and 1982 c 153 s 1 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of his duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor shall, when appropriate, submit to the select joint committee created by RCW 43.131.120, lists of state agencies, as defined by RCW 43.131.030, which agencies might appropriately be scheduled for termination by a bill proposed by the select joint committee;

(14) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in ~~((RCW 17.24.005))~~ section 4 of this act or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

Sec. 23. RCW 17.21.100 and 1989 c 380 s 39 are each amended to read as follows:

(1) ~~((Except as provided in subsection (7) of this section,))~~ Pesticide applicators licensed under the provisions of this chapter and all persons applying pesticides to more than one acre of agricultural land in a calendar year, including public entities engaged in roadside spraying of pesticides, shall keep records ((on a form prescribed by the director)) regarding each application which shall include the following information:

(a) The location of the land where the pesticide was applied.

(b) The year, month, day and time the pesticide was applied.

(c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide which was applied.

(d) The crop or site to which the pesticide was applied.

(e) The amount of pesticide applied per acre or other appropriate measure.

(f) The concentration of pesticide that was applied.

(g) The number of acres, or other appropriate measure, to which the pesticide was applied.

(h) The licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application.

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the director.

(2)(a) Records shall be updated on the same day that a pesticide is applied.

(b) A commercial pesticide applicator who applies a pesticide to an agricultural crop or agricultural lands shall submit the information for the application required under subsection (1) of this section to the owner, or to the lessee if applied on behalf of the lessee, of the lands to which the pesticide is applied.

(3) Such records shall be kept by the licensed applicator or such other person or entity applying the pesticides for a period of seven years from the date of the application of the pesticide to which such records refer ~~((and the director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee: PROVIDED,~~

~~That the director may require the submission of such records within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide).~~ If the pesticide was applied by a commercial pesticide applicator to the agricultural crop or agricultural lands of a person who employs one or more employees, as "employee" is defined in RCW 49.70.020, such records shall also be kept by the employer for a period of seven years from the date of the application of the pesticide to which the records refer.

(4) The pesticide records shall be readily available to: The department; the department of labor and industries; treating medical personnel initiating diagnostic testing or therapy for a patient with a suspected case of pesticide poisoning; the department of social and health services; the pesticide incident reporting and tracking panel; and, in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, the employee or the employee's designated representative and the department of labor and industries. In addition, the director may require the submission of such records on a routine basis within thirty days of the application of any restricted use pesticide in prescribed areas controlling the use of such restricted use pesticide.

(5) If a request for information is made under subsection (4) of this section from an applicator referred to in subsection (1) of this section and the applicator refuses to provide a copy of the records, the department shall be notified of the request and the applicator's refusal. Within seven working days, the department shall request that the applicator provide the department with all pertinent copies, except that in a medical emergency the request shall be made within two working days. The applicator shall provide copies of the records to the department within twenty-four hours after the department's request.

(6) The department of agriculture and the department of labor and industries shall jointly adopt, by rule, ((one form that satisfies)) forms that satisfy the information requirements of this section ((and RCW 49.70.119. Records kept on the prescribed form under RCW 49.70.119 may be used to comply with this section.

~~(7) This section shall not apply to the owner or operator of a dairy farm with respect to his or her application of pesticides to the farm).~~

(7)(a) Except as provided in (b) of this subsection, information supplied to a person or entity under this section or under RCW 49.70.119 or made available for inspection or other access upon request under this section or RCW 49.70.119 shall be supplied or made available on a form adopted by the department under this section.

(b) Information submitted by a commercial pesticide applicator to the owner or lessee of agricultural lands under subsection (2)(b) of this section need not be submitted on a form adopted by the department. However, if the information is not submitted on such a form, it must be readily understandable to a reasonable person.

Sec. 24. RCW 49.70.117 and 1989 c 380 s 76 are each amended to read as follows:

(1) If a pesticide having a reentry interval of greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section.

(2) When pesticide warning signs are required under this section, the employer shall post signs visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted (a) at each corner of the pesticide-treated area, and (b) at intervals not exceeding six hundred feet, or (c) at other locations approved by the department that provide maximum visibility.

(3) The signs shall be posted ((no sooner than)) within twenty-four hours before the scheduled application of the pesticide, remain posted during application and throughout the applicable reentry interval, and be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted. Employees working

in an area scheduled for a pesticide application shall be informed of the application and shall vacate the area scheduled to be sprayed prior to application of the pesticide.

(4) Signs shall be legible for the duration of use. Signs shall contain a prominent symbol approved by the department of agriculture and the department of labor and industries by rule, and wording shall be in English and Spanish or other languages as required by the department. Signs shall meet the minimum specifications of rules adopted by the department, which rules shall include, at a minimum, size and lettering requirements.

Sec. 25. RCW 49.70.119 and 1989 c 380 s 77 are each amended to read as follows:

(1) An employer who applies ~~((or stores))~~ pesticides in connection with the production of an agricultural crop, or who causes pesticides to be applied in connection with such production, shall ~~((compile and maintain a workplace pesticide list by crop for each pesticide that is applied to a crop or stored in a work area. The workplace pesticide list shall be kept on a form prescribed by the department and shall contain at least the following information:~~

~~(a) The location of the land where the pesticide was applied or site where the pesticide was stored;~~

~~(b) The year, month, day, and time the pesticide was applied;~~

~~(c) The product name used on the registered label and the United States environmental protection agency registration number, if applicable, of the pesticide that was applied or stored;~~

~~(d) The crop or site to which the pesticide was applied;~~

~~(e) The amount of pesticide applied per acre, or other appropriate measure;~~

~~(f) The concentration of pesticide that was applied;~~

~~(g) The number of acres, or other appropriate measure, to which pesticide was applied;~~

~~(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; and~~

~~(i) The direction and estimated velocity of the wind at the time the pesticide was applied: PROVIDED, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures.~~

(2) ~~The employer shall update the workplace pesticide list on the same day that a pesticide is applied or is first stored in a work area.~~

(3) ~~The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must))~~ keep records regarding each application which shall include the information required under RCW 17.21.100. This information shall be readily available to the employer's employees and their designated representatives. New or newly assigned employees shall be made aware of the ((pesticide chemical list before working with pesticides or in a work area containing pesticides)) availability of the information.

~~((4) An employer subject to this section shall maintain one form for each crop, work area, or workplace as a whole, as appropriate, and shall add information to the form as different pesticides are applied or stored. The forms shall be accessible and available for copying and))~~ The information shall be stored in a location suitable to preserve ((their)) its physical integrity. The employer shall maintain and preserve the ((forms)) information required under this section for no less than seven years. ((The records shall include an estimation of the total amount of each pesticide listed on the forms.

(5)) ~~After July 23, 1989, if an employer has failed to maintain and preserve the ((forms)) information as required, the employer shall be subject to any applicable penalties authorized under this chapter or chapter 49.17 RCW. ((6)) If activities for which ((forms are)) the information is maintained cease ((at a workplace)) on a farm, the ((forms)) information shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who~~

succeeds or replaces the employer shall retain the ~~((forms))~~ information as required by this section but is not liable for violations committed by the former employer under this chapter or rules adopted under this chapter, including violations relating to the retention and preservation of ~~((forms))~~ information.

~~((7))~~ (2) In addition to providing information under subsection (1) of this section, the employer shall provide ~~((copies of the forms))~~ the information required under RCW 17.21.100 regarding the application of a pesticide, on request, to an employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries, treating medical personnel, the pesticide incident reporting and tracking review panel, or department representative. The designated representative or treating medical personnel are not required to identify the employee represented or treated. The department shall keep the name of any affected employee confidential in accordance with RCW 49.17.080(1). If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests ~~((a copy of a form))~~ such information and the employer refuses to provide ~~((a copy))~~ the information, the requester shall notify the department of the request and the employer's refusal. Within seven working days, the department shall request that the employer provide the department with all pertinent ~~((copies))~~ information, except that in a medical emergency the request shall be made within two working days. The employer shall provide ~~((copies of the form))~~ the information to the department within twenty-four hours after the department's request.

~~((8) The department of labor and industries and the department of agriculture shall jointly adopt, by rule, one form that satisfies the information requirements of this section and RCW 17.21.100. Records kept by the employer on the prescribed form under RCW 17.21.100 may be used to comply with the workplace pesticide list information requirements under this section.)~~

(3) Information provided to any person or entity under this section or made available for inspection or other access upon request under this section shall be provided or made available on a form adopted by the department of agriculture and the department of labor and industries under RCW 17.21.100.

NEW SECTION. Sec. 26. For the purposes of this chapter:

(1) "Applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, private applicator, or any other individual who is certified by the Washington state department of agriculture to use or supervise the use of any pesticide which is classified by the environmental protection agency as a restricted-use pesticide.

(2) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county.

(3) "Pesticide" has the meaning given in RCW 17.21.020.

NEW SECTION. Sec. 27. (1) When a pesticide is applied by an applicator to public or private school grounds, day care centers, public parks, public playgrounds, or residential property, the pesticide-treated area must be posted with signs provided by the applicator.

(2) Signs shall be posted at the time of the application and for at least the following twenty-four hours. For applications of pesticides which have a reentry interval established by the environmental protection agency, the applicator shall comply with the label requirements. The owner or occupant of the property receiving the application is responsible for removal of the signs after the posting period or applicable reentry interval.

(3) Signs shall include the name and telephone number of the applicator of the pesticide.

(4) The director of the department of agriculture shall adopt rules establishing the size and lettering requirements of signs and any other necessary requirements.

NEW SECTION. Sec. 28. The director of the department of agriculture shall administer and enforce the pesticide posting provisions of this chapter and all rules adopted by the department of agriculture under this chapter. All rules to be adopted under this chapter shall be made in accordance with the provisions of chapter 34.05 RCW.

NEW SECTION. Sec. 29. State and local health departments, and mosquito control districts when conducting mosquito control operations, are exempt from the posting applications of this chapter.

NEW SECTION. Sec. 30. Where it is not practical to post spray applications governed by this chapter, as in the case of roadside spraying, the director of the department of agriculture shall determine by rule what types of applications do not require posting. In lieu of posting under the provisions of this chapter, such applicators shall be required to display the name and telephone number of the applicator or applicator's employer, and the pesticide being sprayed on the vehicle used to make the application. The applicator shall also be required to carry the material safety data sheet for the pesticide being applied in the vehicle making the application.

NEW SECTION. Sec. 31. If an applicator receives a written request for information on a spray application governed by this chapter, the applicator shall provide the requestor with the name of the pesticide applied and a copy of the material safety data sheet for the pesticide.

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

- (1) RCW 17.24.005 and 1981 c 296 s 36;
- (2) RCW 17.24.030 and 1981 c 296 s 24 & 1927 c 292 s 2;
- (3) RCW 17.24.035 and 1981 c 296 s 25 & 1927 c 292 s 3;
- (4) RCW 17.24.060 and 1927 c 292 s 4;
- (5) RCW 17.24.070 and 1927 c 292 s 5;
- (6) RCW 17.24.080 and 1927 c 292 s 6;
- (7) RCW 17.24.105 and 1981 c 296 s 27 & 1947 c 156 s 1;
- (8) RCW 17.24.110 and 1981 c 296 s 28, 1977 ex.s. c 169 s 5, & 1947 c 156 s 2;
- (9) RCW 17.24.120 and 1947 c 156 s 3;
- (10) RCW 17.24.130 and 1947 c 156 s 4;
- (11) RCW 17.24.140 and 1981 c 296 s 29 & 1947 c 156 s 5; and
- (12) RCW 17.24.200 and 1982 c 153 s 2.

NEW SECTION. Sec. 33. Captions as used in sections 3 through 21 of this act constitute no part of the law.

NEW SECTION. Sec. 34. (1) Sections 3 through 21 of this act are each added to chapter 17.24 RCW.

(2) Sections 26 through 31 of this act shall constitute a new chapter in Title 17 RCW.

NEW SECTION. Sec. 35. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 15.09.080, 15.26.155, 43.06.010, 17.21.100, 49.70.117, and 49.70.119; adding new sections to chapter 17.24 RCW; adding a new chapter to Title 17 RCW; creating a new section; repealing RCW 17.24.005, 17.24.030, 17.24.035, 17.24.060, 17.24.070, 17.24.080, 17.24.105, 17.24.110, 17.24.120, 17.24.130, 17.24.140, and 17.24.200; prescribing penalties; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Hansen, Newhouse; Representatives Rayburn, Kremen.

MOTION

Ms. Rayburn moved that the House adopt the Second Report of Conference Committee on Substitute House Bill No. 1956.

POINT OF ORDER

Ms. Cole: Thank you, Mr. Speaker. I request a ruling on the scope and object of the amendment.

With consent of the House, further consideration of Substitute House Bill No. 1956 was deferred.

MESSAGE FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1608

April; 26, 1991

Includes "New Item": YES

Improving services for children.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, Children's services, have had the same under consideration and we recommend that:

The Senate Committee on Children & Family Services amendment(s) be not adopted, and

That the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The department of social and health services shall conduct an assessment of the children in its care to determine the appropriate level of residential and treatment services required by these children. Prior to performing the assessment, the department shall, in conjunction with the private sector, develop a comprehensive, multidisciplinary diagnostic/assessment tool to be used in conducting the assessment. Any such assessment shall be based on a statistically valid sample of all children in the department's care. The department shall report the results of the assessment to the appropriate standing committees of the legislature by September 15,

1992. The department shall submit recommendations to the appropriate standing committees of the legislature on reallocating funds for children's services by December 1, 1992.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

The department of social and health services may implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

NEW SECTION. Sec. 3. The legislature finds that a destructive lifestyle of drug and street gang activity is rapidly becoming prevalent among some of the state's youth. Gang and drug activity may be a culturally influenced phenomenon which the legislature intends public and private agencies to consider and address in prevention and treatment programs. Gang and drug-involved youths are more likely to become addicted to drugs or alcohol, live in poverty, experience high unemployment, be incarcerated, and die of violence than other youths.

NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW to read as follows:

(1) The department of social and health services may contract with a community-based nonprofit organization to establish a three-step transitional treatment program for gang and drug-involved juvenile offenders committed to the custody of the department under chapter 13.40 RCW. Any such program shall provide six to twenty-four months of treatment. The program shall emphasize the principles of self-determination, unity, collective work and responsibility, cooperative economics, and creativity. The program shall be culturally relevant and appropriate and shall include:

(a) A culturally relevant and appropriate institution-based program that provides comprehensive drug and alcohol services, individual and family counseling, and a wilderness experience of constructive group living, rigorous physical exercise, and academic studies;

(b) A culturally relevant and appropriate community-based structured group living program that focuses on individual goals, positive community involvement, coordinated drug and alcohol treatment, coordinated individual and family counseling, academic and vocational training, and employment in apprenticeship, internship, and entrepreneurial programs; and

(c) A culturally relevant and appropriate transitional group living program that provides support services, academic services, and coordinated individual and family counseling.

(2) Participation in any such program shall be on a voluntary basis.

(3) The department shall adopt rules as necessary to implement any such program.

NEW SECTION. Sec. 5. (1) The department of social and health services may contract with an independent research organization to conduct an evaluation of any program that is established under section 4 of this act. The evaluation shall include an analysis of the race and ethnicity of juvenile offenders served, the offenses for which the youths were committed, the services provided, the effects of the program on educational and vocational achievement, and the rate of recidivism for these youth.

(2) Any organization selected shall provide a preliminary report on the program to appropriate standing committees of the senate and house of representatives by September 15, 1992. Any final report shall be submitted to appropriate standing committees of the senate and house of representatives by January 15, 1993.

Sec. 6. RCW 13.34.030 and 1988 c 176 s 901 are each amended to read as follows:

For purposes of this chapter:

(1) "Child" and "juvenile" means any individual under the age of eighteen years;

(2) "Dependent child" means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who has a developmental disability, as defined in RCW 71A.10.020 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

(3) "Permanency planning" means the process by which a child is diagnostically assessed and provided treatment services based on his or her unique individual and developmental needs to facilitate the attainment of successful maturity as an adult. Permanency planning should occur in the least restrictive setting appropriate and available and with minimum placement disruption.

(4) "Transitional living programs" means programs that provide shelter and services designed to promote transition to self-sufficient living, development of independent living skills, and to minimize the incidence of long-term dependency on social services.

NEW SECTION. Sec. 7. Out-of-home placement services become necessary whenever voluntary or court-ordered out-of-home placement of a child is imminent or has already occurred. In striving to meet the objective of permanency for every child, a continuum of services must encompass the full range of possible alternatives. A variety of services are available to prevent out-of-home placement or address the needs of the child and family when out-of-home placement becomes necessary, however, the continuum of care is severely lacking in providing transitional living services for older youth.

NEW SECTION. Sec. 8. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services shall contract, using the request for proposal process, with independent qualified agencies to provide transitional living services to minors.

Persons sixteen to eighteen years old or sixteen years old until emancipation are eligible for transitional living services. The population eligible for transitional living services are those for whom returning to their parents' or guardians' home is not possible and for whom foster care or adoption is not likely or appropriate. An assessment shall be done of each minor, including the minor's family situation, before receiving transitional living services. The assessment shall include input from the agency that would be providing the transitional living services to the minor, the agency currently providing services to the minor, and the caseworker for the minor. The assessment shall seek to determine whether the most appropriate plan for the minor is preparation for emancipation. The assessment shall also determine whether the minor is motivated to participate in a transitional living program that requires significant commitment from the minor. A primary goal of transitional living services shall be the acquisition by the youth of basic educational and/or vocational skills that are compatible with the individual's treatment plan. If a youth demonstrates a consistent unwillingness to participate in the acquisition of such skills, a reassessment shall be done of the youth's appropriateness for the program.

NEW SECTION. Sec. 9. A new section is added to chapter 13.34 RCW to read as follows:

Transitional living services should be tailored to meet the needs of the particular minor. A transitional living program should include, but is not limited to, the following:

- (1) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;
- (2) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;
- (3) Health services including pre and post-natal care;
- (4) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;
- (5) Individual and group counseling with emphasis on issues of avoiding abuse, sexual abuse, prostitution, drug and alcohol abuse, depression, motivation, self-esteem, and interpersonal and social skills training and development;
- (6) Recognizing and facilitating long-term relationships with significant adults; and
- (7) Establishing networks with federal agencies and state and local organizations such as the department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 10. If specific funding for the purposes of sections 6 through 9 of this act, referencing this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, sections 6 through 9 of this act shall be null and void.

NEW SECTION. Sec. 11. The legislature intends to encourage the development of community-based interagency collaborative efforts to plan for and provide mental health services to children in a manner that coordinates existing categorical children's mental health programs and funding, is sensitive to the unique cultural circumstances of children of color, eliminates duplicative case management, and to the greatest extent possible, blends categorical funding to offer more service options to each child.

NEW SECTION. Sec. 12. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in federal law.

(3) "County authority" means the board of county commissioners or county executive.

(4) "Department" means the department of social and health services.

(5) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

(6) "Regional support network" means a county authority or group of county authorities that have entered into contracts with the secretary pursuant to chapter 71.24 RCW.

(7) "Secretary" means the secretary of social and health services.

NEW SECTION. Sec. 13. (1) The office of financial management shall provide the following information to the appropriate committees of the legislature on or before December 1, 1991, and update such information biennially thereafter:

(a) An inventory of state and federally funded programs providing mental health services to children in Washington state. For purposes of the inventory, "children's mental health services" shall be broadly construed to include services related to children's mental health provided through education, children and family services, juvenile justice, mental health, health care, alcohol and substance abuse, and developmental disabilities programs, such as: The primary intervention program; treatment foster care; the fair start

program; therapeutic child care and day treatment for children in the child protective services system, as provided in RCW 74.14B.040; family reconciliation services counseling, as provided in chapter 13.32A RCW; the community mental health services act, as provided in chapter 71.24 RCW; mental health services for minors, as provided in chapter 71.34 RCW; mental health services provided by the medical assistance program, limited casualty program for the medically needy and children's health program, as provided in chapter 74.09 RCW; counseling for delinquent children, as provided in RCW 72.05.170; mental health service provided by child welfare services, as provided in chapter 74.13 RCW; and services to emotionally disturbed and mentally ill children, as provided in chapter 74.14A RCW.

(b) For each program or service inventoried pursuant to (a) of this subsection:

(i) Statutory authority;

(ii) Level and source of funding state-wide and for each county and school district in the state during the biennium ending June 30, 1991, to the extent such information is available;

(iii) Agency administering the service state-wide and description of how administration and service delivery are organized and provided at the regional and local level;

(iv) Programmatic or financial eligibility criteria;

(v) Characteristics of, and number of children served state-wide and in each county and school district during the biennium ending June 30, 1991, to the extent such information is available;

(vi) Number of children of color served, by race and nationality, and number and type of minority mental health providers, by race and nationality, in each regional support network area, to the extent such information is available; and

(vii) Statutory changes necessary to remove categorical restrictions in the program or service, including federal statutory or regulatory changes.

(2) The office of financial management, in consultation with the department, shall develop a plan and criteria for the use of early periodic screening, diagnosis, and treatment services related to mental health that includes at least the following components:

(a) Criteria for screening and assessment of mental illness and emotional disturbance;

(b) Criteria for determining the appropriate level of medically necessary services a child receives, including but not limited to development of a multidisciplinary plan of care when appropriate, and prior authorization for receipt of mental health services;

(c) Qualifications for children's mental health providers;

(d) Other cost control mechanisms, such as managed care arrangements and prospective or capitated payments for mental health services; and

(e) Mechanisms to ensure that federal medicaid matching funds are obtained for services inventoried pursuant to subsection (1) of this section, to the greatest extent practicable.

In developing the plan, the office of financial management shall provide an opportunity for comment by the major child-serving systems and regional support networks. The plan shall be submitted to appropriate committees of the legislature on or before December 1, 1991.

NEW SECTION. Sec. 14. (1) On or before January 1, 1992, each regional support network, or county authority in counties that have not established a regional support network, shall initiate a local planning effort to develop a children's mental health services delivery system.

(2) Representatives of the following agencies or organizations and the following individuals shall participate in the local planning effort:

(a) Representatives of the department of social and health services in the following program areas: Children and family services, medical care, mental health, juvenile rehabilitation, alcohol and substance abuse, and developmental disabilities;

(b) The juvenile courts;

(c) The public health department or health district;

(d) The school districts;

(e) The educational service district serving schools in the county;

(f) Head start or early childhood education and assistance programs;

(g) Community action agencies; and

(h) Children's services providers, including minority mental health providers.

(3) Parents of children in need of mental health services and parents of children of color shall be invited to participate in the local planning effort.

(4) The following information shall be developed through the local planning effort and submitted to the secretary:

(a) A supplement to the county's January 1, 1991, children's mental health services report prepared pursuant to RCW 71.24.049 to include the following data:

(i) The number of children in need of mental health services in the county or counties covered by the local planning effort, including children in school and children receiving services through the department of social and health services division of children and family services, division of developmental disabilities, division of alcohol and substance abuse, and division of juvenile rehabilitation, grouped by severity of their mental illness;

(ii) The number of such children that are underserved or unserved and the types of services needed by such children; and

(iii) The supply of children's mental health specialists in the county or counties covered by the local planning effort.

(b) A children's mental health services delivery plan that includes a description of the following:

(i) Children that will be served, giving consideration to children who are at significant risk of experiencing mental illness, as well as those already experiencing mental illness;

(ii) How appropriate services needed by children served through the plan will be identified and provided, including prevention and identification services;

(iii) How a lead case manager for each child will be identified;

(iv) How funding for existing services will be coordinated to create more flexibility in meeting children's needs. Such funding shall include the services and programs inventoried pursuant to section 13(1) of this act;

(v) How the children's mental health delivery system will incorporate the elements of the early periodic screening, diagnosis, and treatment services plan developed pursuant to section 13(2) of this act; and

(vi) How the children's mental health delivery system will coordinate with the regional support network information system developed pursuant to RCW 71.24.035(5)(g).

(5) In developing the children's mental health services delivery plan, every effort shall be made to reduce duplication in service delivery and promote complementary services among all entities that provide children's services related to mental health.

(6) The children's mental health services delivery plan shall address the needs of children of color through at least the following mechanisms:

(a) Outreach initiatives, services, and modes of service delivery that meet the unique needs of children of color; and

(b) Services to children of color that are culturally relevant and acceptable, as well as linguistically accessible.

NEW SECTION. Sec. 15. A new section is added to chapter 74.13 RCW to read as follows:

Any client of the department, individual complainant, or foster parent who exhausts the department's complaint resolution process and who is subjected to any reprisal or retaliatory action undertaken after the complainant makes his or her complaint known to the department may seek judicial review of the reprisal or retaliatory action in superior court. In such action, the reviewing court may award reasonable attorneys' fees or make written findings that the action was frivolous and advanced without reasonable cause and award expenses as specified in RCW 4.84.185.

Sec. 16. RCW 74.13.300 and 1990 c 284 s 12 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home or the home of a relative care provider by the department or a child-placing agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or child-placing agency shall notify the foster family in writing of the reasons upon which the decision to move the child was based, at least five days prior to moving the child to another placement, unless:

- (a) A court order has been entered requiring an immediate change in placement; or
- (b) ~~((The child is being returned home;~~
- ~~(c))~~ The child's safety is in jeopardy(~~or~~
- ~~(d) The child is residing in a receiving home or a group home)).~~

(2) If a decision is made by the department or a child-placing agency to move a child to another placement, the foster family parent or relative care provider shall receive written notice of his or her right to request a review of the removal decision regarding a child that is residing in the home of the foster parent or relative pursuant to a court order entered in a proceeding under this chapter through the department's complaint resolution process. Notification of the department's complaint resolution process is not required to be provided if:

- (a) A court order has been entered requiring an immediate change in placement; or
- (b) The child is being returned home and a court order has been entered to that effect.

(3) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or child-placing agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

~~((3))~~ (4) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to ~~((require that a court hearing be held prior to changing a child's foster care placement nor to))~~ create any substantive custody rights in the foster parents.

NEW SECTION. Sec. 17. Part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 18. Sections 11 through 14 of this act shall constitute a new chapter in Title 71 RCW.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. Sections 11 through 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 21. If specific funding for the purposes of section 13 of this act, referencing section 13 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, then section 13 of this act shall be null and void.

NEW SECTION. Sec. 22. If specific funding for the purposes of section 14 of this act, referencing section 14 of this act by bill and section number, is not provided by June

30, 1991, in the omnibus appropriations act, then section 14 of this act shall be null and void.

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.34.030 and 74.13.300; adding a new section to chapter 13.40 RCW; adding new sections to chapter 74.13 RCW; adding new sections to chapter 13.34 RCW; adding a new chapter to Title 71 RCW; creating new sections; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Craswell, Talmadge, Roach; Representatives Leonard, Hargrove, Padden.

MOTION

Ms. Leonard moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1608.

Ms. Leonard spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1608 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1608 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 7, Excused - 4.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Wang, Wilson, Wineberry, Wood, Wynnie, Zellinsky, and Mr. Speaker - 87.

Absent: Representatives Brekke, Cantwell, Johnson R., Morris, Scott, Sommers, H., Sprenkle - 07.

Excused: Representatives Anderson, Lisk, Van Luven, Winsley - 04.

Engrossed Substitute House Bill No. 1608 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

Representatives Anderson, Brekke, Cantwell, R. Johnson, Lisk, Morris, Scott, H. Sommers, Sprengle, Van Luven and Winsley appeared at the bar of the House.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
 SUBSTITUTE HOUSE BILL NO. 1137,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,
 SUBSTITUTE HOUSE BILL NO. 1243,
 SUBSTITUTE HOUSE BILL NO. 1317,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329,
 HOUSE BILL NO. 1355,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,
 SUBSTITUTE HOUSE BILL NO. 1496,
 HOUSE BILL NO. 1536,
 ENGROSSED HOUSE BILL NO. 1572,
 SUBSTITUTE HOUSE BILL NO. 1586,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,
 SUBSTITUTE HOUSE BILL NO. 1629,
 HOUSE BILL NO. 1642,
 SECOND SUBSTITUTE HOUSE BILL NO. 1671,
 SUBSTITUTE HOUSE BILL NO. 1709,
 SUBSTITUTE HOUSE BILL NO. 1710,
 HOUSE BILL NO. 1757,
 SUBSTITUTE HOUSE BILL NO. 1828,
 HOUSE BILL NO. 1853,
 ENGROSSED HOUSE BILL NO. 1883,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,
 SUBSTITUTE HOUSE BILL NO. 1936,
 SUBSTITUTE HOUSE BILL NO. 1954,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960,
 HOUSE BILL NO. 1991,
 SUBSTITUTE HOUSE BILL NO. 1993,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027,
 SUBSTITUTE HOUSE BILL NO. 2048,
 SUBSTITUTE HOUSE BILL NO. 2050,
 SUBSTITUTE HOUSE BILL NO. 2056,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100,
 SUBSTITUTE HOUSE BILL NO. 2140,
 ENGROSSED HOUSE BILL NO. 2141,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4012,

SUBSTITUTE SENATE BILL NO. 5082,
 SUBSTITUTE SENATE BILL NO. 5108,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5120,
 SENATE BILL NO. 5111,
 SUBSTITUTE SENATE BILL NO. 5266,
 SUBSTITUTE SENATE BILL NO. 5301,
 SUBSTITUTE SENATE BILL NO. 5332,
 SECOND SUBSTITUTE SENATE BILL NO. 5358,
 SENATE BILL NO. 5442,
 SECOND SUBSTITUTE SENATE BILL NO. 5591,
 ENGROSSED SENATE BILL NO. 5745,
 ENGROSSED SENATE BILL NO. 5801,
 SENATE BILL NO. 5821,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5825,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5837,
 SUBSTITUTE SENATE BILL NO. 5873,
 SUBSTITUTE SENATE BILL NO. 5916.

Mr. Wineberry demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present.

On motion of Mr. Wineberry, the House proceeded with business under the Call of the House.

MESSAGE FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 8414,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTION AND FIRST READING

SCR 8414 by Senators Hayner, Gaspard, Cantu, Snyder, Patterson, McMullen, Bluechel, Bauer, Saling, Wojahn, Nelson, Murray, Matson, Rinehart, von Reichbauer, Vognild, McCaslin, Owen, West, Pelz,

Bailey, Stratton, Oke, Conner, Roach, Williams, Johnson, Rasmussen, Metcalf, Moore, Thorsness, M. Kreidler, Anderson, Skratek, Amondson, Niemi, L. Smith, Hansen, Craswell, A. Smith, Newhouse, Sutherland, Erwin and Barr

Convening a special legislative session.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Senate Concurrent Resolution No. 8414 was advanced to second reading and read the second time in full.

Mr. Ebersole moved adoption of the following amendments:

On page 1, line 6, strike "9:00 a.m." and insert "1:00 p.m."

On page 1, line 9, after "limited to" strike all material down to and including "control" on line 11 and insert "budgets, matters necessary to implement budgets, education funding and reform including House Bill 1932, campaign finance reform and reporting, growth management, department of transportation reorganization"

Mr. Ebersole spoke in favor of adoption of the amendments, and they were adopted.

MOTION

Mr. Ebersole moved that the rules be suspended, the second reading considered the third and the resolution be placed on final passage.

POINT OF PARLIAMENTARY INQUIRY

Ms. Miller: I would like to know how many votes are necessary to pass this resolution and if we will have a recorded vote.

SPEAKER'S RULING

The Speaker: The Constitution requires that it be two-thirds of those members elected to the Legislature and that it has to be a recorded vote.

POINT OF PARLIAMENTARY INQUIRY

Mr. Van Luven: We had some confusion in caucus. Is two-thirds sixty-five or sixty-six?

SPEAKER'S RULING

The Speaker: Sixty-six votes.

The motion by Representative Ebersole to suspend the rules, consider second reading the third, and place Senate Concurrent Resolution No. 8414 on final passage was carried.

Mr. Ebersole spoke in favor of the resolution, and Mr. Ballard spoke against it.

Mr. Wineberry demanded an oral roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8414 as amended by the House, and the resolution was not adopted by the following vote: Yeas - 57, Nays - 41, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprenkle, Valle, Wang, Winsley, Zellinsky, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, O'Brien, Orr, Padden, Prince, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wineberry, Wood, Wynne - 41.

Senate Concurrent Resolution No. 8414 as amended by the House, having failed to received the constitutional two-thirds majority, was declared lost.

MOTION

On motion of Mr. Ebersole, the House dispensed with further business under the Call of the House.

The Speaker declared the House to be at ease.

The Speaker (Mr. R. Meyers presiding) called the House to order.

MESSAGES FROM THE SENATE

April 27, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5121, and asks for a Conference thereon. The President has appointed the following members as Conferees: Senators Matson, Skratek and Metcalf, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 27, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5670. The President has appointed the following members as Conferee: Senators West, Niemi and Johnson, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 1268, and passed the bill without all of said amendment(s), and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5049, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5167, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5477, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate adopted the 2nd report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1352, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

EHB 1352

April 26, 1991
Includes "New Item": YES

Making confidential certain information acquired by the department of labor and industries.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1352, L&I confidential information, have had the same under consideration and we recommend that:

The Senate floor amendment on page 4, line 11, be adopted and that the following additional amendments to the engrossed bill be adopted:

On page 1, beginning on line 13, after "shall not be" strike "released or"

On page 2, line 2, after "shall" strike "not be released" and insert "be deemed confidential and shall not be open to public inspection"

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Matson, Skratek, Anderson; Representatives Heavey, Jones, Vance.

MOTION

Mr. Heavey moved that the House adopt the 2nd Report of Conference Committee on Engrossed House Bill No. 1352.

Mr. Heavey spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 1352 as recommended by Conference Committee.

Mr. Vance spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 1352 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1352 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1938

April 27, 1991

Includes "New Item": YES

Creating a state-wide enhanced 911 network.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938, State-wide 911 network, have had the same under consideration and we recommend that:

The Senate Committee on Ways & Means striking amendment(s) be not adopted; and

That the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that a state-wide emergency communications network of enhanced 911 telephone service, which allows an immediate display of a caller's identification and location, would serve to further the safety, health, and welfare of the state's citizens, and would save lives. The legislature, after reviewing the study outlined in section 1, chapter 260, Laws of 1990, further finds that state-wide implementation of enhanced 911 telephone service is feasible and should be accomplished as soon as practicable.

Sec. 2. RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards

which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director, through the state enhanced 911 coordinator, shall coordinate and facilitate implementation and operation of a state-wide enhanced 911 emergency communications network.

(8) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

~~((8))~~ (9) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

~~((9))~~ (10) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of

the state coordinator for radioactive and hazardous waste emergency response programs shall include:

- (a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;
- (b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;
- (c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and
- (d) Undertaking other duties in this area that are deemed appropriate by the director.

NEW SECTION. Sec. 3. By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by section 4 of this act shall assist and facilitate enhanced 911 implementation throughout the state.

NEW SECTION. Sec. 4. A state enhanced 911 coordination office, headed by the state enhanced 911 coordinator, is established in the emergency management division of the department. Duties of the office shall include:

- (1) Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state;
- (2) Seeking advice and assistance from, and providing staff support for, the enhanced 911 advisory committee; and
- (3) Recommending to the utilities and transportation commission by August 31st of each year the level of the state enhanced 911 excise tax for the following year.

NEW SECTION. Sec. 5. The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers northwest, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of fire fighters, the Washington state council of police officers, the Washington ambulance association, the state fire policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, and representatives of large and small local exchange telephone companies. This section shall expire December 31, 2000.

NEW SECTION. Sec. 6. The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to help implement and operate enhanced 911 state-wide. The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall specify by rule the purposes for which moneys may be expended from this account.

NEW SECTION. Sec. 7. A telecommunications company providing emergency communications systems or services or a business or individual providing data base information to emergency communication system personnel shall not be liable for civil damages caused by an act or omission of the company, business, or individual in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to a 911 or enhanced 911 emergency service; or

(2) Design, development, installation, maintenance, or provision of consolidated 911 or enhanced 911 emergency communication systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

Sec. 8. RCW 9.73.070 and 1967 ex.s. c 93 s 5 are each amended to read as follows:

~~((The provisions of))~~ (1) This chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy.

(2) This chapter shall not apply to a 911 or enhanced 911 emergency service as defined in RCW 82.14B.020, for purposes of aiding public health or public safety agencies to respond to calls placed for emergency assistance.

Sec. 9. RCW 82.14B.010 and 1981 c 160 s 1 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund enhanced 911 emergency ~~((service))~~ communication systems throughout the state on a multicounty, county-wide, or district-wide basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to ~~((vest the legislative authorities of the counties, subject to voter approval, with the power to))~~ impose an excise tax on the use of ~~((telephone))~~ switched access lines.

Sec. 10. RCW 82.14B.020 and 1981 c 160 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, county-wide, or district-wide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) ~~((Telephone))~~ Enhanced 911 telephone system" means a public telephone system consisting of a network, data base, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the ~~((telephone))~~ local exchange company's switching office.

~~((3))~~ (4) ~~((Telephone))~~ Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

Sec. 11. RCW 82.14B.030 and 1981 c 160 s 3 are each amended to read as follows:

(1) The legislative authority of a county may impose ((an)) a county enhanced 911 excise tax on the use of ((telephone)) switched access lines in an amount not exceeding fifty cents per month for each ((telephone)) switched access line. The amount of tax shall be uniform for each ((telephone)) switched access line. ((This tax must be approved by a favorable vote of at least three fifths of the electors thereof voting on the proposition, at which election the number of persons voting "yes" on the proposition shall constitute three fifths of a number equal to forty per centum of the total votes cast in the county at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in the county in the last preceding general election; or by a majority of at least three fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in the county in the last preceding general election. This tax may be imposed for six years without subsequent voter approval. At any election held under this section, the ballot title of the proposition shall state the maximum monthly rate of the proposed tax which may be imposed by the county legislative authority. The actual rate of tax to be imposed shall be set by ordinance, which rate shall not exceed the maximum monthly rate approved by the electors.

No tax may be imposed under this section for more than one year before the expected implementation date of an emergency services communication system. The power granted under this section is in addition to any other authority which counties have to fund emergency services communication systems.)) Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) Beginning January 1, 1992, a state enhanced 911 excise tax is imposed on all switched access lines in the state. For 1992, the tax shall be set at a rate of twenty cents per month for each switched access line. Until December 31, 1998, the amount of tax shall not exceed twenty cents per month for each switched access line and thereafter shall not exceed ten cents per month for each switched access line. The tax shall be uniform for each switched access line. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in section 6 of this act.

(3) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

Sec. 12. RCW 82.14B.040 and 1981 c 160 s 4 are each amended to read as follows:

((A county imposing a)) The state enhanced 911 tax and the county enhanced 911 tax ((under)) created in this chapter shall ((require collection of the tax)) be collected from the user by the ((telephone)) local exchange company providing the switched access line. The ((telephone)) local exchange company shall state the amount of the ((tax)) taxes separately on the billing statement which is sent to the user.

Sec. 13. RCW 82.14B.090 and 1987 c 17 s 3 are each amended to read as follows:

An emergency service communication district is authorized to finance and provide an emergency service communication system and((, if authorized by the voters,)) to finance the system by imposing the excise tax authorized in RCW 82.14B.030.

Sec. 14. RCW 82.14B.100 and 1987 c 17 s 4 are each amended to read as follows:

RCW 82.14B.040 through 82.14B.060 apply to any emergency service communication district established under RCW 82.14B.070 ((through)) and 82.14B.090. ((A ballot proposition to authorize the excise tax authorized under RCW 82.14B.040 through 82.14B.060 may be submitted to the voters of a proposed emergency service communication district at the same election the ballot proposition creating the district is submitted. The authority to impose the tax shall only exist if both of these ballot propositions are approved.))

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) RCW 80.36.550 and 1990 c 260 s 3;
- (2) RCW 80.36.5501 and 1990 c 260 s 2; and
- (3) RCW 82.14B.080 and 1987 c 17 s 2.

NEW SECTION. Sec. 16. Sections 1 and 3 through 7 of this act are each added to chapter 38.52 RCW.

NEW SECTION. Sec. 17. Sections 1 through 6 and 9 through 16 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof. The ballot title for this act shall be: "Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?"

On page 1, line 1 of the title, after "911;" strike the remainder of the title and insert "amending RCW 38.52.030, 9.73.070, 82.14B.010, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.090, and 82.14B.100; adding new sections to chapter 38.52 RCW; repealing RCW 80.36.550, 80.36.5501, and 82.14B.080; and providing for submission of this act to a vote of the people."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McDonald, Snyder, Craswell; Representatives Fraser, Orr, May.

MOTION

Ms. Fraser moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1938.

Representatives Fraser, May, Cooper, Basich and Morton spoke in favor of the motion, and Representatives Rust, Appelwick and Dorn spoke against it.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be the motion to adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1938.

The Speaker (Mr. R. Meyers presiding), being in doubt, called upon the House to divide. The result of the division was: Yeas - 60; Nays - 38. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1938 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1938 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 64, Nays - 34, Absent - 0, Excused - 0.

Voting yea: Representatives Ballard, Basich, Beck, Belcher, Bray, Brekke, Broback, Chandler, Cooper, Day, Dellwo, Ebersole, Edmondson, Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Lisk, Ludwig, May, McLean, Meyers, R., Mielke, Morris, Morton, Moyer, Myers, H., Nealey, Neher, O'Brien, Ogden, Orr, Padden, Paris, Prince, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Sprengle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wymne, and Mr. Speaker - 64.

Voting nay: Representatives Anderson, Appelwick, Betzoff, Bowman, Braddock, Brough, Brumsickle, Cantwell, Casada, Cole, Dorn, Ferguson, Fisher, G., Hargrove, Haugen, Heavey, Hine, Kremen, Leonard, Locke, Miller, Mitchell, Nelson, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rust, Sommers, H., Tate, Valle, Van Luven, Zellinsky - 34.

Engrossed Substitute House Bill No. 1938 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

SB 5474

April 27, 1991

Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SENATE BILL NO. 5474, planning a data collection and reporting system on children, have had the same under consideration and we recommend that:

All previous amendments not be adopted; and

That the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A task force is created to improve the collection and reporting of data about conditions affecting the education and well-being of children. The primary objective of the task force is to provide data aggregated by school districts for use by school districts and state and local policymakers in the planning and evaluation of local and state education programs, practices, and activities.

NEW SECTION. Sec. 2. (1) One representative shall be appointed to the task force created in section 1 of this act from each of the following: Office of the superintendent of public instruction, department of social and health services, department of health, employment security department, department of community development, department of information services, office of financial management, the administrator for the courts, Washington association of school administrators, Washington state school directors' association, Washington state association of counties, association of Washington cities, house of representatives staff, and senate staff.

(2) The task force shall select a chair from among its members.

(3) The task force shall consult with the Washington school information processing cooperative, educational service districts, groups representing racial and ethnic minorities, and other interested parties.

(4) The Washington state institute for public policy shall coordinate and staff the task force, and may contract for technical consulting services as needed.

NEW SECTION. Sec. 3. The task force shall, by December 1, 1991:

(1) Identify the likely uses for demographic data on the education and well-being of children, and determine what type of data is needed, or would be useful, in the planning and evaluation of local and state education programs, practices, and activities;

(2) Determine the feasibility, cost, and actions required to aggregate the data identified in subsection (1) of this section by school districts;

(3) Determine the feasibility, cost, and actions required to report the data identified in subsection (1) of this section to school districts and state and local policymakers, ensuring that quality control and appropriate confidentiality and privacy safeguards are provided;

(4) Identify measures necessary to ensure the adequate collection and reporting of the data, including the use of common data definitions and reporting timelines;

(5) Implement those actions that can be taken with little or no cost, and identify actions, with proposed timelines, in which additional resources are required;

(6) Examine related issues as the task force deems appropriate; and

(7) Report to the appropriate committees of the legislature its findings, specific actions taken to improve data collection and reporting, and what additional actions and resources are needed to further improve data collection and reporting on the well-being and education of children.

Sec. 4. RCW 28A.175.010 and 1986 c 151 s 1 are each amended to read as follows:

~~((1) Beginning with the 1986-87 school year,))~~ Each school district shall account for the educational progress of each of its students. To achieve this, school districts shall be required to report annually to the superintendent of public instruction:

~~((a))~~ (1) For students enrolled in each of a school district's high school programs:

(a) The number of students eligible for graduation in fewer than four years;

(b) The number of students who graduate in four years;

(c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;

(d) The number of students who transfer to other schools;

(e) The number of students who enter from other schools;

(f) The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and

(g) The number of students whose status is unknown.

(2) Dropout rates of students in each of the grades nine through twelve((;)).

~~((b))~~ (3) Dropout rates for student populations(~~(, by ethnicity,))~~ in each of the grades nine through twelve by:

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status; and

(d) Disability status.

~~((e))~~ (4) The causes or reasons, or both, attributed to students for having dropped out of school in grades nine through twelve.

~~((2))~~ (5) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to assure uniformity in the information districts are required to report under subsections (1) through (4) of this section. In developing rules, the superintendent of public instruction shall consult with school districts, including administrative and

counseling personnel, with regard to the methods through which information is to be collected and reported.

~~((3))~~ (6) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.

~~((4) Beginning with the 1987 legislative session,))~~ (7) The superintendent of public instruction shall report annually to the legislature the information collected under subsections (1) through (4) of this section. ~~((Beginning with the 1991 legislative session, the report shall include the number of students in the ninth through twelfth grades who drop out of school over a four year period.))~~

NEW SECTION. Sec. 5. Section 4 of this act shall expire June 1, 1994.

NEW SECTION. Sec. 6. Sections 1 through 3 of this act shall expire December 1, 1991.

NEW SECTION. Sec. 7. Sections 1 through 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "well-being;" strike the remainder of the title and insert "amending RCW 28A.175.010; creating new sections; providing expiration dates; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Erwin, Pelz; Representatives Peery, Neher.

MOTION

Ms. Cole moved that the House adopt the Report of Conference Committee on Senate Bill No. 5474.

Representatives Cole and Neher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Senate Bill No. 5474 as recommended by Conference Committee.

Representatives Cole and Neher spoke in favor of passage of the bill, and Ms. Brough spoke against it.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5474 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson,

Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Insee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, McLean, Meyers, R., Mielke, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Wang, Wilson, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Chandler, Forner, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, Miller, Mitchell, Morton, Nealey, Padden, Paris, Silver, Vance, Van Luven, Wood, Wynne - 26.

Senate Bill No. 5474 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Wineberry, House Rule 26 was suspended to allow consideration of Substitute House Bill No. 1401, Substitute House Bill No. 1885, Engrossed House Bill No. 2093, Substitute Senate Bill No. 5670 and Substitute Senate Bill No. 5418.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

Under suspension of rules, the Senate adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1401, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SHB 1401

April 27, 1991

Includes "New Item": YES

Enacting the Washington taxpayers' rights and responsibilities act.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1401, Taxpayers' rights/responsibilities, have had the same under consideration and we recommend that:

The Senate Ways and Means Committee striking amendment(s) be not adopted; and

That the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter shall be known and cited as "Washington taxpayers' rights and responsibilities."

NEW SECTION. Sec. 2. (1) The legislature finds that taxes are one of the most sensitive points of contact between citizens and their government, and that there is a delicate balance between revenue collection and taxpayers' rights and responsibilities. The rights, privacy, and property of Washington taxpayers should be protected adequately during the process of the assessment and collection of taxes.

(2) The legislature further finds that the Washington tax system is based largely on voluntary compliance and that taxpayers have a responsibility to inform themselves about applicable tax laws. The legislature also finds that the rights of the taxpayers and their attendant responsibilities are best implemented where the department of revenue provides accurate tax information, instructions, forms, administrative policies, and procedures to assist taxpayers to voluntarily comply with the provisions of the revenue act, Title 82 RCW, and where taxpayers cooperate in the administration of these provisions.

NEW SECTION. Sec. 3. The department of revenue shall administer this chapter. The department of revenue shall adopt or amend rules as may be necessary to fully implement this chapter and the rights established under this chapter.

NEW SECTION. Sec. 4. The taxpayers of the state of Washington have:

(1) The right to a written explanation of the basis for any tax deficiency assessment, interest, and penalties at the time the assessments are issued;

(2) The right to rely on specific, official written advice and written tax reporting instructions from the department of revenue to that taxpayer, and to have interest, penalties, and in some instances, tax deficiency assessments waived where the taxpayer has so relied to their proven detriment;

(3) The right to redress and relief where tax laws or rules are found to be unconstitutional by the final decision of a court of record and the right to prompt administrative remedies in such cases;

(4) The right to confidentiality and protection from public inquiry regarding financial and business information in the possession of the department of revenue in accordance with the requirements of RCW 82.32.330;

(5) The right to receive, upon request, clear and current tax instructions, rules, procedures, forms, and other tax information; and

(6) The right to a prompt and independent administrative review by the department of revenue of a decision to revoke a tax registration, and to a written determination that either sustains the revocation or reinstates the registration.

NEW SECTION. Sec. 5. To ensure consistent application of the revenue laws, taxpayers have certain responsibilities under chapter 82.32 RCW, including, but not limited to, the responsibility to:

(1) Register with the department of revenue;

(2) Know their tax reporting obligations, and when they are uncertain about their obligations, seek instructions from the department of revenue;

(3) Keep accurate and complete business records;

(4) File accurate returns and pay taxes in a timely manner;

(5) Ensure the accuracy of the information entered on their tax returns;

(6) Substantiate claims for refund;

(7) Timely pay all taxes after closing a business and request cancellation of registration number; and

(8) Timely respond to communications from the department of revenue.

NEW SECTION. Sec. 6. The director of revenue shall appoint a taxpayer rights advocate. The advocate shall be responsible for directly assisting taxpayers and their representatives to assure their understanding and utilization of the policies, processes, and procedures available to them in the resolution of problems.

NEW SECTION. Sec. 7. The department of revenue shall maintain a taxpayer services program consisting of, but not limited to:

(1) Providing taxpayer assistance in the form of information, education, and instruction in person, by telephone, or by correspondence;

(2) Conducting tax workshops at locations most conveniently accessible to the majority of taxpayers affected; and

(3) Publishing written bulletins, instructions, current revenue laws, rules, court decisions, and interpretive rulings of the department of revenue.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 82 RCW.

Sec. 9. RCW 82.32.050 and 1989 c 378 s 19 are each amended to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer such additional amount found to be due and shall add thereto interest at the rate of nine percent per annum from the last day of the year in which the deficiency is incurred until date of payment for tax liabilities arising before January 1, 1992. For tax liabilities arising after December 31, 1991, until the date of payment, the rate of interest shall be variable and computed as provided in subsection (2) of this section. The rate so computed shall be adjusted on the first day of January of each year. The department shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide. ((If payment is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.))

(2) For the purposes of this section, the rate of interest to be charged to the taxpayer shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually, for the months of January, April, July, and October of the immediately preceding calendar year as published by the United States secretary of the treasury.

(3) No assessment or correction of an assessment for additional taxes due may be made by the department more than four years after the close of the tax year, except (((1))) (a) against a taxpayer who has not registered as required by this chapter, (((2))) (b) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (((3))) (c) where a taxpayer has executed a written waiver of such limitation.

Sec. 10. RCW 82.32.060 and 1990 c 69 s 1 are each amended to read as follows:

If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes prescribed by RCW 82.32.050 a tax has been paid in excess of that properly due, the excess amount paid within such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at the taxpayer's option. No refund or credit shall be made for taxes paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years

of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide. However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 shall have any refunds paid by electronic funds transfer.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the department of a certified copy of the order or judgment of the court. Except as to the credits in computing tax authorized by RCW 82.04.435, interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer before January 1, 1992. For refunds of amounts paid or other recovery allowed to a taxpayer after December 31, 1991, the rate of interest shall be the rate as computed for assessments under RCW 82.32.050(2), less one percentage point.

Sec. 11. RCW 82.32.090 and 1987 c 502 s 9 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than ((two)) five dollars.

(2) If payment of any tax assessed by the department of revenue is not received by the department by the due date specified in the notice, or any extension thereof, the department shall add a penalty of ten percent of the amount of the additional tax found due. No penalty so added shall be less than five dollars.

(3) If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than ((five)) ten dollars.

((Notwithstanding the foregoing,)) (4) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department shall add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department of revenue has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions shall apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department of revenue shall be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(5) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due shall be added.

(6) The aggregate of penalties imposed under this ((chapter)) section for failure to ((file)) pay a tax due on a return, late payment of any tax, increase, or penalty, or

issuance of a warrant shall not exceed (~~twenty-five~~) thirty-five percent of the tax due, or (~~seven~~) twenty dollars, whichever is greater.

(7) The department of revenue may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

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

NEW SECTION. Sec. 13. Sections 9 through 11 of this act shall take effect January 1, 1992.

On page 1, line 1 of the title, after "responsibilities;" strike the remainder of the title and insert "amending RCW 82.32.050, 82.32.060, and 82.32.090; adding a new chapter to Title 82 RCW; and providing an effective date."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Craswell, Niemi, Saling; Representatives Wang, Fraser, Holland.

MOTION

Mr. Wang moved that the House adopt the Report of Conference Committee on Substitute House Bill No. 1401.

Mr. Wang spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1401 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1401 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1401 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

SSB 5418

April 26, 1991
Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5418, relating to criminal justice, have had the same under consideration and we recommend that:

All previous amendments be not adopted; and

That the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The task force on sentencing of adult criminal offenders is created.

(1) The task force shall have fourteen members.

(a) The governor shall appoint two members.

(b) The speaker of the house of representatives shall appoint six members, which shall include two members, one from each political party, from each of the following:

(i) The house judiciary committee;

(ii) The house human services committee; and

(iii) Either the house capital facilities and financing committee or the house appropriations committee, or one from each. If one member is appointed from each of the fiscal committees, one appointment must be from the majority party and the other from the minority party.

(c) The president of the senate shall appoint six members, which shall include two members, one from each political party, from each of the following standing committees:

(i) Senate law and justice committee;

(ii) Senate children and family services committee; and

(iii) Senate ways and means committee.

(2) The members of the task force shall select a chair or cochair from among the membership of the task force.

(3) Staff for the task force shall be provided by the senate, the house of representatives, and the office of financial management.

(4) The objectives of the task force are to:

(a) Determine whether the articulated purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010, remain valid or should be modified, and if so, what new sentencing purposes are appropriate;

(b) Study the incarceration patterns of adult offenders convicted of violent and nonviolent offenses to determine whether the purposes of the sentencing reform act of 1981 as defined in RCW 9.94A.010 are being achieved;

(c) Determine the extent to which alternatives to total confinement, including but not limited to intensive rehabilitation camps, are being used for adult felons and to make recommendations to ensure that those alternatives are ordered when appropriate; and

(d) Determine whether an expansion of the court's sentencing options would help achieve the purposes of the sentencing reform act.

(5) The task force shall consult with the sentencing guidelines commission and other interested parties to achieve the objectives of the task force.

(6) The task force shall report to the appropriate standing committees of the legislature and to the governor not later than December 15, 1992.

(7) The task force shall cease to exist on January 1, 1993.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "creating a new section; and declaring an emergency."
and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Nelson, Rasmussen, Thorsness; Representatives Appelwick, Riley, Padden.

MOTION

Mr. Padden moved that the House adopt the Report of Conference Committee on Substitute Senate Bill No. 5418. The motion was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5418 as recommended by Conference Committee.

Mr. Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5418 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5418 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

SSB 5670

April 28, 1991
Includes "New Item": NO

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5670, relating to children's mental health services, have had the same under consideration and we recommend that:

All previous amendments be not adopted; and

That the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 71.24.015 and 1989 c 205 s 1 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs which provide for:

(1) Access to mental health services for adults (~~and children~~) of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed(~~(-or-chronically mentally ill)~~) and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ~~((ensure that))~~ promote the early identification of mentally ill children ((in need of mental health care and treatment)) and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and ((to)) should enable treatment decisions to be made in response to clinical needs ((and)) in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for monitoring and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill;

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders. The legislature intends to encourage the development of county-based and county-managed mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care which integrate planning, administration, and service delivery duties assigned to counties under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature

intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. RCW 71.24.025 and 1989 c 205 s 2 are each amended to read as follows:

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

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) "Available resources" means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045. When regional support networks are established or after July 1, 1995, "available resources" means federal funds, except those provided according to Title XIX of the social security act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(d).

(3) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.88 RCW.

(4) "Child" means a person under the age of eighteen years.

(5) "Chronically mentally ill (~~(person)~~ adult)" means (~~(a child or)~~ an) adult who has a mental disorder (~~(, in the case of a child as defined by chapter 71.34 RCW,)~~) and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years (~~(or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services);~~) or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended (~~(, and shall include school attendance in the case of a child; or~~

~~(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect).~~

(6) "Severely emotionally disturbed child" means an infant or child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(7) "Community mental health program" means all mental health services established by a county authority. After July 1, 1995, or when the regional support networks are established, "community mental health program" means all activities or programs using available resources.

((7)) (8) "Community support services" means services for acutely ~~((and))~~ mentally ill persons, chronically mentally ill ~~((persons))~~ adults, and severely emotionally disturbed children and includes: (a) Discharge planning for clients leaving state mental hospitals, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (b) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (c) medication monitoring. After July 1, 1995, or when regional support networks are established, for adults and children "community support services" means services authorized, planned, and coordinated through resource management services including, at least, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, other services determined by regional support networks, and maintenance of a patient tracking system for chronically mentally ill ~~((persons))~~ adults and severely emotionally disturbed children.

((8)) (9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

((9)) (10) "Department" means the department of social and health services.

((10)) (11) "Mental health services" means community services pursuant to RCW 71.24.035(5)(b) and other services provided by the state for the mentally ill. When regional support networks are established, or after July 1, 1995, "mental health services" shall include all services provided by regional support networks.

((11)) (12) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (5), (6), and ~~((15))~~ (16) of this section.

((12)) (13) "Regional support network" means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary pursuant to this chapter.

~~((13))~~ (14) "Residential services" means a facility or distinct part thereof which provides food and shelter, and may include treatment services.

When regional support networks are established, or after July 1, 1995, for adults and children "residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill ~~((persons))~~ adults, severely emotionally disturbed children, or seriously disturbed ((persons)) adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((14))~~ (15) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for acutely mentally ill adults and children, chronically mentally ill adults ~~((and children))~~, severely emotionally disturbed children, or seriously disturbed adults ((and children)) determined by the regional support network at their sole discretion to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((15))~~ (16) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to oneself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((16))~~ (17) "Secretary" means the secretary of social and health services.

~~((17))~~ (18) "State minimum standards" means: (a) Minimum requirements for delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to licensing service providers and services; (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.05 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service; and the rights and responsibilities of persons receiving mental health services pursuant to this chapter; (c) minimum requirements for residential services as established by the department in rule based on clients' functional abilities and not solely on their diagnoses, limited to health and safety, staff qualifications, and program outcomes. Minimum requirements for residential services are those developed in

collaboration with consumers, families, counties, regulators, and residential providers serving the mentally ill. Minimum requirements encourage the development of broad-range residential programs, including integrated housing and cross-systems programs where appropriate, and do not unnecessarily restrict programming flexibility; and (d) minimum standards for community support services and resource management services, including at least qualifications for resource management services, client tracking systems, and the transfer of patient information between service providers.

Sec. 3. RCW 71.24.035 and 1990 1st ex.s. c 8 s 1 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) ~~(the)~~ chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services;

(c) Develop and promulgate rules establishing state minimum standards for the delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) Regional support networks; and

(iii) Residential and inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks when they are established which shall include a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440. The system shall be fully operational no later than January 1, 1993: PROVIDED, HOWEVER, That when a regional support network is established, the department shall have an operational interim tracking system for that network that will be adequate for the regional support network to perform its required duties under this chapter;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically inspect certified regional support networks and licensed service providers at reasonable times and in a reasonable manner; and

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Prior to September 1, 1989, adopt such rules as are necessary to implement the department's responsibilities under this chapter pursuant to chapter 34.05 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption; and

(n) Beginning July 1, 1989, and continuing through July 1, 1993, track by region and county the use and cost of state hospital and local evaluation and treatment facilities for seventy-two hour detention, fourteen, ninety, and one hundred eighty day commitments pursuant to chapter 71.05 RCW, voluntary care in state hospitals, and voluntary community inpatient care covered by the medical assistance program. Service use and cost reports shall be provided to regions in a timely fashion at six-month intervals.

(6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045. After July 1, 1995, or when regional support networks are established, available resources may be used only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to the law, applicable rules and regulations, or applicable standards, or failure to meet the minimum standards established pursuant to this section.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the

secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) The secretary shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to certification and licensing and other action relevant to certifying regional support networks and licensing service providers.

(12) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the manner provided by law, upon the advice of the attorney general who shall represent the secretary in the proceedings, maintain an action in the name of the state for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(13) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapter 71.05 RCW, and shall otherwise assure the effectuation of the purposes and intent of this chapter and chapter 71.05 RCW.

(14)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, and seriously disturbed as defined in chapter 71.24 RCW. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as defined in subsection (15) of this section. These factors shall include the population concentrations resulting from commitments under the involuntary treatment act, chapter 71.05 RCW, to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The department shall submit a proposed distribution formula in accordance with this section to the ways and means and health ~~((care and corrections))~~ and long-term care committees of the senate and to the ways and means and human services committees of the house of representatives by October 1, ~~((1989))~~ 1991. The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(15) To supersede duties assigned under subsection (5) (a) and (b) of this section, and to assure a county-based, integrated system of care for acutely mentally ill adults and children, chronically mentally ill adults ~~((and children))~~, severely emotionally disturbed children, and seriously disturbed adults and children who are determined by regional support networks at their sole discretion to be at risk of becoming acutely or chronically mentally ill, or severely emotionally disturbed, the secretary shall encourage the development of regional support networks as follows:

By December 1, 1989, the secretary shall recognize regional support networks requested by counties or groups of counties.

All counties wishing to be recognized as a regional support network on December 1, 1989, shall submit their intentions regarding participation in the regional support networks by October 30, 1989, along with preliminary plans. Counties wishing to be recognized as a regional support network by January 1 of any year thereafter shall submit their intentions by October 30 of the previous year along with preliminary plans. The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05 and 71.24 RCW on July 1, 1995. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The implementation of regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(16) The secretary shall:

(a) Disburse the first funds for the regional support networks that are ready to begin implementation by January 1, 1990, or within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks to begin implementation between January 1, 1990, and March 1, 1990, and complete implementation by June 1995. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) By July 1, 1993, allocate one hundred percent of available resources to regional support networks created by January 1, 1990, in a single grant. Regional support networks created by January 1, 1991, shall receive a single block grant by July 1, 1993; regional support networks created by January 1, 1992, shall receive a single block grant by July 1, 1994; and regional support networks created by January 1, 1993, shall receive a single block grant by July 1, 1995. The grants shall include funds currently provided for all residential services, all services pursuant to chapter 71.05 RCW, and all community support services and shall be distributed in accordance with a formula submitted to the legislature by January 1, 1993, in accordance with subsection (14) of this section.

(d) By January 1, 1990, allocate available resources to regional support networks for community support services, resource management services, and residential services excluding evaluation and treatment facilities provided pursuant to chapter 71.05 RCW in a single grant using the distribution formula established in subsection (14) of this section.

(e) By March 1, 1990, or within sixty days of approval of the contract continuing through July 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. For regional support networks created by January 1, 1993, provide grants as specifically appropriated by the legislature to regional support networks for evaluation and treatment facilities for persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW through July 1, 1995.

(f) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

~~(g) ((Study and report to the legislature by December 1, 1989, on expanding the use of federal Title XIX funds and the definition of institutions for mental diseases to provide services to persons who are acutely mentally ill, chronically mentally ill, or at risk of becoming so. The study shall also include an assessment of the impact of Title XIX funds and the definition of institutions for mental diseases on the use of state funds to provide needed mental health services to the chronically mentally ill.~~

(h)) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

((i)) (h) Identify in its departmental biennial operating and capital budget requests the funds requested by regional support networks to implement their responsibilities under this chapter.

((j)) (i) Contract to provide or, if requested, make grants to counties to provide technical assistance to county authorities or groups of county authorities to develop regional support networks.

(17) The department of social and health services, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the health care and corrections committee of the senate and the human services committee of the house of representatives.

(18) The secretary shall establish a task force to examine the recruitment, training, and compensation of qualified mental health professionals in the community, which shall include the advantages and disadvantages of establishing a training academy, loan forgiveness program, or educational stipends offered in exchange for commitments of employment in mental health. The task force shall report back to the appropriate committees of the legislature by January 1, 1990.

NEW SECTION. Sec. 4. By December 1, 1991, the department shall develop criteria under the federal Title XIX early and periodic screening, diagnosis, and treatment program to serve acutely mentally ill and severely emotionally disturbed children in a manner that maximizes federal reimbursement by:

(1) Developing qualifications for certified mental health screening providers and ensuring that mental health screening, as appropriate and medically necessary, is coordinated with or does not duplicate complete screening examinations;

(2) Developing, in consultation with regional support networks and private practitioners, criteria for use by providers under the early and periodic screening, diagnosis, and treatment program to identify children with mental disorders eligible for referral to further evaluation, diagnosis, and treatment planning;

(3) Requiring prior authorization and utilization review for residential and inpatient services, including inpatient acute hospitalizations and evaluation and treatment facilities as defined in RCW 71.34.020; and

(4) Providing reimbursement for specialized family, home, school, and community-based mental health services or programs designed to promote primary prevention or intervention and maximize the development and potential of acutely mentally ill and severely emotionally disturbed children and their families.

The plan shall be submitted to appropriate committees of the legislature on or before December 1, 1991.

Sec. 5. RCW 71.24.045 and 1989 c 205 s 4 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes

age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION. Sec. 6. RCW 71.24.800 and 1987 c 439 s 4 are each repealed.

NEW SECTION. Sec. 7. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. The rules under this act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

However, if any part of this act conflicts with such federal requirements, the state appropriation for mental health services provided to children whose mental disorders are discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program shall be provided through the division of medical assistance and no state funds appropriated to the division of mental health shall be expended or transferred for this purpose.

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.24.015, 71.24.025, 71.24.035, and 71.24.045; creating new sections; and repealing RCW 71.24.800."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Niemi, West, Johnson; Representatives Leonard, Riley, Winsley.

MOTION

Ms. Leonard moved that the House adopt the Report of Conference Committee on Substitute Senate Bill No. 5670.

Representatives Leonard and Winsley spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5670 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5670 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insole, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5670 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

SSB 5612

April 27, 1991

Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5612, changing provisions relating to natural resources conservation areas, have had the same under consideration and we recommend that:

All previous amendments be not adopted; and

That the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 79.71.010 and 1987 c 472 s 1 are each amended to read as follows:

The legislature finds that: (1) ~~((That))~~ There is an increasing and continuing need by the people of Washington for certain areas of the state to be conserved, in rural as well as urban settings, for the benefit of present and future generations; (2) ~~((that))~~ such areas are worthy of conservation for their outstanding scenic and ecological values and provide opportunities for ~~((dispersed))~~ low impact public ~~((recreation))~~ use; (3) ~~((that))~~ in certain cases acquisition of property or rights in property is necessary to protect these areas for public purposes; and (4) ~~((that))~~ there is a need for ~~((an))~~ a state agency to act in an effective and timely manner to acquire interests in such areas and to develop appropriate management strategies for conservation purposes.

Sec. 2. RCW 79.71.020 and 1987 c 472 s 2 are each amended to read as follows:

Lands possessing the following characteristics are considered by the legislature to be worthy of consideration for conservation purposes:

(1) Lands identified as having high priority for conservation, natural systems, wildlife, and ~~((dispersed-recreational))~~ low-impact public use values;

(2) ~~((Prime natural features of the Washington landscape or portions thereof, inland or coastal wetlands, significant littoral, estuarine, or aquatic sites, or important geological features))~~ An area of land or water, or land and water, that has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington and that has retained to some degree or has reestablished its natural character;

(3) Examples of native ecological communities; and

(4) Environmentally significant sites threatened with conversion to incompatible or ecologically irreversible uses.

Sec. 3. RCW 79.71.030 and 1987 c 472 s 3 are each amended to read as follows:

As used in this chapter:

"Commissioner" means the commissioner of public lands.

"Department" means the department of natural resources.

"Conservation purposes" include but are not limited to: (1) Maintaining, enhancing, or restoring ecological systems, including but not limited to aquatic, coastal, riparian, montane, and geological systems, whether such systems be unique or typical to the state of Washington; (2) maintaining exceptional scenic landscapes; (3) maintaining habitat for threatened, endangered, and sensitive species; (4) enhancing sites for primitive recreational purposes; and (5) outdoor environmental education.

"Low-impact public use" includes public recreation uses and improvements that do not adversely affect the resource values, are appropriate to the maintenance of the site in

a relatively unmodified natural setting, and do not detract from long-term ecological processes.

"Management (~~for conservation purposes~~) activities" may include limited production of income from forestry, agriculture, or other resource management activities, if such actions are consistent with the other purposes and requirements of this chapter.

~~("Washington natural resources conservation area" is an area of land and/or water which retains to some degree or has reestablished its natural character, although it need not be completely undisturbed, or has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington.)~~

"Natural resources conservation area" or "conservation area" means an area having the characteristics identified in RCW 79.71.020.

Sec. 4. RCW 79.71.050 and 1987 c 472 s 5 are each amended to read as follows:

The department is authorized to transfer fee simple interest or less than fee interests in trust land, as defined by Article XVI of the Washington Constitution, for the creation of natural resources conservation (management) areas, (providing there is) provided the owner of the trust land receives full fair market value compensation for all rights transferred. The proceeds from such transfers shall be used for the exclusive purpose of acquiring real property to replace those interests utilized for the conservation area in order to meet the department's fiduciary obligations and to maintain the productive land base of the various trusts.

Sec. 5. RCW 79.71.060 and 1987 c 472 s 6 are each amended to read as follows:

The department shall hold a public hearing in the county where the majority of the land in the proposed natural resources conservation area is located prior to establishing the boundary. An area proposed for designation must contain resources consistent with ~~((the purposes of this chapter))~~ characteristics identified in RCW 79.71.020.

Sec. 6. RCW 79.71.070 and 1987 c 472 s 7 are each amended to read as follows:

The department shall develop a management plan for each designated area. The plan shall identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for ~~((primitive recreation))~~ low-impact public and environmental educational uses. The plan shall specify what types of management activities ~~((will be))~~ and public uses that are permitted, consistent with the conservation purposes of this chapter. The department shall make such plans available for review and comment by the public and other state, tribal, and local agencies, prior to final approval by the commissioner.

Sec. 7. RCW 79.71.080 and 1987 c 472 s 8 are each amended to read as follows:

The department is authorized to administer natural ~~((resource[s]))~~ resources conservation areas and may enter into management agreements for these areas with ~~((other))~~ federal agencies, state agencies, local governments, and private nonprofit conservancy corporations, as defined in RCW 64.04.130, when such agreements are consistent with the purposes of acquisition as defined in the adopted ~~((site))~~ management plan. All management activities within a Washington natural resources conservation area will conform with the plan. Any moneys derived from the management of these areas in conformance with the adopted plan shall be deposited in the natural resources conservation areas stewardship account ((established in RCW 79.71.090)).

Sec. 8. RCW 79.71.090 and 1987 c 472 s 9 are each amended to read as follows:

There is hereby created the natural resources conservation areas stewardship account in the state treasury to ensure proper and continuing management of land acquired or designated pursuant to this chapter. Funds for the stewardship account shall be derived from appropriations of state general funds, federal funds, grants, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. Income derived from the management of natural resources conservation areas shall also be deposited in this stewardship account. The state treasurer may not deduct a fee for managing the funds in the stewardship account.

Appropriations from this account to the department shall be expended for no other purpose than the following: (1) To manage the areas approved by the legislature in fulfilling the purposes of this chapter; (2) to manage property acquired as natural area preserves under chapter 79.70 RCW; (3) to manage property transferred under the authority and appropriation provided by the legislature to be managed under chapter 79.70 RCW or this chapter or acquired under chapter 43.98A RCW; and (4) to pay for operating expenses for the natural heritage program under chapter 79.70 RCW.

NEW SECTION. Sec. 9. The balance in the conservation area account is transferred to the natural resources conservation areas stewardship account under RCW 79.71.090.

NEW SECTION. Sec. 10. Two million dollars from the existing stewardship account balance shall remain in the account to create an endowment.

NEW SECTION. Sec. 11. RCW 79.71.110 and 1987 c 472 s 11 are each repealed.

NEW SECTION. Sec. 12. A new section is added to chapter 77.12 RCW to read as follows:

(1) The Union Bay portion of Lake Washington is recognized as a prime wetland area that is of significant importance for wildlife habitat, educational opportunity, and recreation. It is also situated near an important research institution, the University of Washington.

(2) The department shall coordinate a cooperative planning effort, to include all interested property owners and managers within or adjacent to Union Bay, and other interested parties, to identify and plan for the Union Bay cooperative wildlife habitat management area. The boundaries of the area shall be delineated by all cooperators in the effort. The plan may not contain restrictions or limitations on the rights of property owners that are more restrictive than the restrictions and limitations in effect on the effective date of this section. The plan may not contain restrictions on water-related uses of the bay that are more restrictive than those in effect on the effective date of this section.

(3) The department and cooperators identified pursuant to subsection (2) of this section shall identify wildlife resources of, wildlife management objectives for, and compatible uses with wildlife in the Union Bay cooperative wildlife habitat management area. The department and cooperators shall also identify appropriate environmental education opportunities for the area. The department and cooperators shall develop a plan for comanagement of the Union Bay cooperative wildlife habitat management area.

(4) The department shall provide progress reports to the house of representatives committee on fisheries and wildlife and the senate committee on environment and natural resources by December 1, 1991, and December 1, 1992.

(5) The department may solicit gifts, grants, conveyances, bequests, and devises, whether real or personal property, or both, in trust or otherwise, to be directed to the department for carrying out the purposes of this section. The department may solicit contracts for work, financial and in-kind contributions, and support from private industries, interest groups, federal and state sources, and other sources, for the purposes of this section.

NEW SECTION. Sec. 13. If specific funding for the purposes of section 12 of this act, referencing section 12 of this act by bill and section number, is not provided by June 30, 1991, in the omnibus appropriations act, section 12 of this act shall be null and void.

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "amending RCW 79.71.010, 79.71.020, 79.71.030, 79.71.050, 79.71.060, 79.71.070, 79.71.080, and 79.71.090; adding a new section to chapter 77.12 RCW; creating new sections; and repealing RCW 79.71.110."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Metcalf, Bluechel, Sutherland; Representatives Belcher, Beck, G. Fisher.

MOTION

Ms. Belcher moved that the House adopt the Report of Conference Committee on Substitute Senate Bill No. 5612.

Ms. Belcher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5612 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5612 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5612 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028,
SUBSTITUTE HOUSE BILL NO. 1194,
SUBSTITUTE HOUSE BILL NO. 1326,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,
SUBSTITUTE HOUSE BILL NO. 1452,
SUBSTITUTE HOUSE BILL NO. 1454,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,
 SUBSTITUTE HOUSE BILL NO. 1704,
 SUBSTITUTE HOUSE BILL NO. 1712,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,
 HOUSE BILL NO. 2037,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151.

SUBSTITUTE HOUSE BILL NO. 1956, by House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Nealey, McLean, Kremen, Chandler, Roland and Rasmussen; by request of Department of Agriculture)

Changing provisions for plant protection.

The House resumed consideration of Substitute House Bill No. 1956. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative Cole regarding the scope and object of the Second Report by the Conference Committee.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute House Bill No. 1956. It is a measure regarding plant pest and disease control. It deals with matters including quarantine and destruction of infested plants.

The Conference Committee Report includes provisions dealing with application, notice and record keeping requirements for pesticide storage and use. The Speaker finds that the conference report does change the scope and object of the bill. Your point, Representative Cole, is well taken.

MOTION

Ms. Rayburn moved that the House request the Conference Committee be discharged and ask the Senate to recede from its amendments to Substitute House Bill No. 1956. The motion was carried.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1027,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1243,
SUBSTITUTE HOUSE BILL NO. 1317,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357,
HOUSE BILL NO. 1536,
SUBSTITUTE HOUSE BILL NO. 1586,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 2093, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

EHB 2093

April 27, 1991

Includes "New Item": YES

Modifying authorized uses of the excise tax on lodgings.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 2093, Lodging excise tax uses, have had the same under consideration and we recommend that:

The Senate Committee on Ways and Means striking amendment(s) be not adopted; and

That the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision

allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In class AA counties, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in counties other than class AA counties, for county-owned facilities for agricultural promotion. A county is exempt under this subsection in respect to city revenue or general obligation bonds issued after April 1, 1991, only if such bonds mature before January 1, 2013.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used as follows:

(i) Seventy-five percent from January 1, 1992, through December 31, 2000, and seventy percent from January 1, 2001, through December 31, 2012, for art museums, cultural museums, heritage museums, the arts, ((and/or)) and the performing arts. Moneys spent under this subsection (3)(a)(i) shall be used for the purposes of this subsection (3)(a)(i) in all parts of the county.

((b)) (ii) Twenty-five percent from January 1, 1992, through December 31, 2000, and thirty percent from January 1, 2001, through December 31, 2012, for the following purposes and in a manner reflecting the following order of priority: Stadium capital

improvements, as defined in subsection (2)(b) of this section; acquisition of open space lands; youth sports activities; and tourism promotion.

(b) At least seventy percent of moneys spent under (a)(i) of this subsection for the period January 1, 1992, through December 31, 2000, shall be used only for the purchase, design, construction, and remodeling of performing arts, visual arts, heritage, and cultural facilities, and for the purchase of fixed assets that will benefit art, heritage, and cultural organizations. For purposes of this subsection, fixed assets are tangible objects such as machinery and other equipment intended to be held or used for ten years or more. Moneys received under this subsection (3)(b) may be used for payment of principal and interest on bonds issued for capital projects. Qualifying organizations receiving moneys under this subsection (3)(b) must be financially stable and have at least the following:

(i) A legally constituted and working board of directors;

(ii) A record of artistic, heritage, or cultural accomplishments;

(iii) Been in existence and operating for at least two years;

(iv) Demonstrated ability to maintain net current liabilities at less than thirty percent of general operating expenses;

(v) Demonstrated ability to sustain operational capacity subsequent to completion of projects or purchase of machinery and equipment; and

(vi) Evidence that there has been independent financial review of the organization.

(c) At least forty percent of the revenues distributed pursuant to (a)(i) of this subsection for the period January 1, 2001, through December 31, 2012, shall be deposited in an account and shall be used to establish an endowment. Principal in the account shall remain permanent and irreducible. The earnings from investments of balances in the account may only be used for the purposes of (a)(i) of this subsection.

(d) Schools districts and schools shall not receive revenues distributed pursuant to (a)(i) of this subsection.

(e) Moneys distributed to art museums, cultural museums, heritage museums, the arts, and the performing arts, and moneys distributed for tourism promotion shall be in addition to and may not be used to replace or supplant any other funding by the legislative body of the county.

(f) As used in this section, "tourism promotion" includes activities intended to attract visitors for overnight stays, arts, heritage, and cultural events, and recreational, professional, and amateur sports events. Moneys allocated to tourism promotion in a class AA county shall be allocated to nonprofit organizations formed for the express purpose of tourism promotion in the county. Such organizations shall use moneys from the taxes to promote events in all parts of the class AA county.

(g) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

((e)) (h) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

((d)) (i) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

((e)) (j) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives

the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)((e)) (i) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

Sec. 2. RCW 67.40.120 and 1988 ex.s. c 1 s 8 are each amended to read as follows:

The state convention and trade center corporation may contract with the Seattle-King county convention and visitors bureau for marketing the convention and trade center facility and services. Any contract with the Seattle-King county convention and visitors bureau shall include, but is not limited to, the following condition: Each dollar in convention and trade center operations account funds provided to the Seattle-King county convention and visitors bureau shall be matched by at least one dollar and ten cents in nonstate funds. "Nonstate funds" does not include funds received under RCW 67.28.180.

NEW SECTION. Sec. 3. This act shall take effect January 1, 1992.

On page 1, line 4 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 67.28.180 and 67.40.120; and providing an effective date." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McDonald, Amondson; Representatives Wang, Locke, Holland.

MOTION

Mr. Wang moved that the House adopt the Report of Conference Committee on Engrossed House Bill No. 2093. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2093 as recommended by Conference Committee.

Mr. Wang spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed House Bill No. 2093 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen,

Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 2093 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Wineberry, Committee on Rules was relieved of House Bill No. 1300 and House Bill No. 1856 and the bills were placed on the second reading calendar.

On motion of Mr. Wineberry, the rules were suspended and Committee on Revenue was relieved of Substitute Senate Bill No. 5110 and the bill was placed on the second reading calendar.

With consent of the House, House Bill No. 1151 was referred to Committee on Rules.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127,
SUBSTITUTE HOUSE BILL NO. 1137,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,
SUBSTITUTE HOUSE BILL NO. 1496,
ENGROSSED HOUSE BILL NO. 1572,
SUBSTITUTE HOUSE BILL NO. 1709,
ENGROSSED HOUSE BILL NO. 1883,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100,
SUBSTITUTE HOUSE BILL NO. 2140,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1856 on the second reading calendar. The motion was carried.

HOUSE BILL NO. 1856, by Representatives Wang and Holland; by request of Department of Agriculture and Office of Financial Management

Making major changes to the weights and measures statutes.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1856 was substituted for House Bill No. 1856, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1856 was read the second time.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Holland, Silver, Rayburn and Locke:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds:

(1) Accurate weights and measures are essential for the efficient operation of commerce in Washington, and weights and measures are important to both consumers and businesses.

(2) Legislation to expand the weights and measures program and fund the program with license fees on weights and measures devices has been considered.

(3) Additional information is necessary before further action can be taken.

NEW SECTION. Sec. 2. It is the intent of the legislature to fund the current weights and measures program only through the first year of the 1991-93 fiscal biennium, and to base funding of the program for the second year of the biennium and ensuing biennia upon the recommendations of the study performed under section 3 of this act.

NEW SECTION. Sec. 3. The department of agriculture shall conduct a study of a weights and measures program necessary to protect both consumers and business. In the conduct of this study the department shall consult with those affected by the weights and measures program. The department may create an advisory committee made up of consumers and members of the business community affected by the weights and measures program.

(2) The study shall include:

(a) Determination of the appropriate level and form for a weights and measures program sufficient for the efficient operation of commerce in Washington.

(b) Recommendations for an appropriate funding mechanism for the weights and measures program.

(3) In conducting the study the department shall:

(a) Identify the benefits of the weights and measures program, taking into account the element of service provided the device owners and the element of consumer protection provided the general public.

(b) Survey other states about their methods of funding weights and measures programs, frequency of inspection, and number of inspection personnel.

(c) Investigate the potential for error for different types of devices and determine the appropriate frequency of inspection for different types of weights and measures devices.

(d) Determine an appropriate license fee schedule for different types of devices taking into account the cost of equipment and personnel to the department of agriculture.

(e) Determine the appropriate level of license fee revenue sharing with those first class cities operating a weights and measures program.

(f) Examine the need to license and inspect electronic scanning devices and other new weighing and measuring technology.

(g) Examine the level of complaints relating to firewood deliveries.

(h) Study any other issues relevant to the weights and measures program.

Sec. 4. RCW 19.94.150 and 1969 c 67 s 15 are each amended to read as follows:

The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of these systems shall be used for all commercial purposes in this state. The definitions of basic units of weight and measure and weights and measures equivalents, as published by the national (~~bureau of standards~~) institute of standards and technology, are recognized and shall govern weighing and measuring equipment and transactions in the state.

Sec. 5. RCW 19.94.160 and 1969 c 67 s 16 are each amended to read as follows:

Weights and measures in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state standards, shall, when the same shall have been certified as such by the national (~~bureau of standards~~) institute of standards and technology, be the state standards of weight and measure. The state standards shall be kept in a place designated by the director and shall not be removed from the said place except for repairs or for certification: PROVIDED, That they shall be submitted at least once in ten years to the national (~~bureau of standards~~) institute of standards and technology for certification.

Sec. 6. RCW 19.94.190 and 1989 c 354 s 36 are each amended to read as follows:

The director shall enforce the provisions of this chapter and shall (~~issue from time to time reasonable~~) adopt rules for enforcing and carrying out the purposes of this chapter. Such rules shall have the effect of law and may include (1) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (2) (~~rules~~) the governing (~~the~~) technical and reporting procedures to be followed, and the report and record forms and marks of rejection to be used by the director and city sealers in the discharge of their official duties, (3) (~~rules~~) the governing technical test procedures, reporting procedures, record and reporting forms to be used by commercial firms when installing, repairing or testing commercial weights or measures, (4) (~~rules providing~~) the criteria that all weights and measures used by commercial firms in repairing or servicing commercial weighing and measuring devices shall be calibrated by the department and be directly traceable to state standards and shall be submitted to the department for calibration and certification as necessary and/or at such reasonable intervals as may be established or required by the director, (5) exemptions from the sealing or marking requirements of RCW 19.94.250 with respect to weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging to the apparatus in question, (6) (~~rules~~) provisions that allow the director to establish fees for weighing, measuring, and providing calibration services performed by the weights and measures laboratory, with all money collected under this subsection paid to the director and deposited in an account within the agricultural local fund to be used for the repair and maintenance of weights and measures devices and other related functions, (7) exemptions from the requirements of RCW 19.94.200 and 19.94.210 for testing, with respect to classes of weights and measures found to be of such character that periodic retesting is unnecessary to continued accuracy. These (~~regulations~~) rules shall include specifications, tolerances, and (~~regulations~~) rules for weights and measures

of the character of those specified in RCW 19.94.210, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (a) that are not accurate, (b) that are of such construction that they are faulty, that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly, or (c) that facilitate the perpetration of fraud. The specifications, tolerances, and ~~((regulations))~~ rules for commercial weighing and measuring devices, together with amendments thereto, as recommended by the most recent edition of Handbook 44 published by the national ((bureau of standards Handbook 44, third edition as published at the time of the enactment of this chapter)) institute of standards and technology shall be the specifications, tolerances, and regulations for commercial weighing and/or measuring devices of the state. To promote uniformity, any supplements or amendments to Handbook 44 or any similar subsequent publication of the national ~~((bureau of standards))~~ institute of standards and technology shall be deemed to have been adopted under this section. The director may, however, within thirty days of the publication or effective date of Handbook 44 or any supplements, amendments, or similar publications give public notice that a hearing will be held to determine if such publications should not be applicable under this section. The hearing shall be conducted under chapter 34.05 RCW. For the purpose of this chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section; all other apparatus shall be deemed to be "incorrect".

Sec. 7. RCW 19.94.200 and 1969 c 67 s 20 are each amended to read as follows:

The director shall test the standards of weight and measure procured by any city for which the appointment of a sealer of weights and measures is provided by this chapter, at least once every five years, and shall approve the same when found to be correct, and ~~((he))~~ the director shall inspect such standards at least once every two years. ~~((He))~~ The director shall test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which moneys are appropriated by the legislature, and ~~((he))~~ the director shall report ~~((his))~~ the findings, in writing, to the executive officer of the institution concerned.

Sec. 8. RCW 19.94.220 and 1969 c 67 s 22 are each amended to read as follows:

The director shall investigate complaints made ~~((to him))~~ concerning violations of the provisions of this chapter, and shall, upon his or her own initiative, conduct such investigations as ~~((he deems))~~ deemed appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

Sec. 9. RCW 19.94.240 and 1969 c 67 s 24 are each amended to read as follows:

The director shall have the power to issue stop-use orders, stop-removal orders and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, exposed for sale, sold or in process of delivery, whenever in the course of his or her enforcement of the provisions of this chapter ~~((and/or))~~ or rules ~~((and regulations))~~ adopted hereunder he or she deems it necessary or expedient to issue such orders. No person shall use, remove from the premises specified or fail to remove from any premises specified any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order or removal order issued under the authority of this section.

Sec. 10. RCW 19.94.250 and 1969 c 67 s 25 are each amended to read as follows:

The director shall reject and mark or tag as "rejected" such weights and measures as he or she finds upon inspection or test to be "incorrect" as defined in RCW 19.94.190, but which in his or her best judgment are susceptible of satisfactory repair: PROVIDED, That such sealing or marking shall not be required with respect to such weights and measures as may be exempted therefrom by ~~((a regulation))~~ rule of the director issued

under the authority of RCW 19.94.190. The director may reject or seize any weights and measures found to be incorrect that, in his or her best judgment, are not susceptible of satisfactory repair. Weights and measures that have been rejected may be confiscated and may be destroyed by the director if not corrected as required by RCW 19.94.330 or if used or disposed of contrary to the requirements of said section.

Sec. 11. RCW 19.94.260 and 1969 c 67 s 26 are each amended to read as follows:

(1) With respect to the enforcement of this chapter and any other acts dealing with weights and measures that he or she is, or may be empowered to enforce, the director is authorized ~~((to arrest any violator of the said chapter, and))~~ to seize for use as evidence incorrect or unsealed weights and measures or amounts or packages of commodities to be used, retained, offered, exposed for sale or sold in violation of the law.

(2) In the performance of his or her official duties the director is authorized at reasonable times during the normal business hours of the person using the weights and measures to enter into or upon any structure or premises where weights and measures are used or kept for commercial purposes. Should the director be denied access to any premises or establishment where such access was sought for the purposes set forth in this section, ~~((he))~~ the director may apply to any court of competent jurisdiction for a search warrant authorizing access to such premises or establishment for said purposes. The court may, upon such application, issue the search warrant for the purposes requested.

Sec. 12. RCW 19.94.290 and 1969 c 67 s 29 are each amended to read as follows:

A bond with sureties, to be approved by the appointing power, and conditioned upon the faithful performance of ~~((his))~~ duties and the safekeeping of any standards or equipment entrusted to ~~((his))~~ the city sealer's care, shall forthwith, upon his or her appointment, be given by each city sealer and deputy sealer in the penal sum of one thousand dollars; the premium on such bond shall be paid by the city for which the officer in question is appointed.

Sec. 13. RCW 19.94.300 and 1969 c 67 s 30 are each amended to read as follows:

The city sealer and his or her deputy sealers when acting under his or her instructions and at his or her direction shall have the same powers and shall perform the same duties within the city for which appointed as are granted to and imposed upon the director by RCW 19.94.210, 19.94.220, 19.94.230, 19.94.240, and 19.94.250.

Sec. 14. RCW 19.94.330 and 1969 c 67 s 33 are each amended to read as follows:

Weights and measures that have been rejected under the authority of the director or a city sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority; or, in lieu of this, may dispose of the same, but only in such a manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially reexamined ~~((and found to be correct or until specific written permission for such use is issued by the rejecting authority))~~ or until standardized corrective measures have been instituted as prescribed by rule as adopted by the department.

Sec. 15. RCW 19.94.340 and 1969 c 67 s 34 are each amended to read as follows:

Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this chapter, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count: PROVIDED, That liquid commodities may be sold by weight and commodities not in liquid form may be sold by count only if such methods give accurate information as to the quantity of commodity sold: AND PROVIDED FURTHER, That the provisions of this section shall not apply (1) to commodities when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to commodities in containers standardized by a law of this state or by federal law, (4) to commodities in package form

when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer when sold by cubic measure. The director may issue such reasonable ~~((regulations))~~ rules as are necessary to assure that amounts of commodity sold are determined in accordance with good commercial practice and are so determined and represented to be accurate and informative to all interested parties.

Sec. 16. RCW 19.94.350 and 1969 c 67 s 35 are each amended to read as follows:

Except as otherwise provided in this chapter, any commodity in package form introduced or delivered for introduction into or received in intrastate commerce, kept for the purpose of sale, offered or exposed for sale or sold in intrastate commerce, shall bear on the outside of the package such definite, plain, and conspicuous declaration of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container~~(s)~~; (2) the net quantity of the contents in terms of weight, measure or count; and (3) in the case of any package not sold on the premises where packed, the name and place of business of the manufacturer, packer, or distributor, as may be prescribed by ~~((regulation))~~ rule issued by the director: PROVIDED, That in connection with the declaration required under ~~((subdivision))~~ subsection (2) of this section, neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo", "giant", "full", "or over", and the like) that tends to exaggerate the amount of commodity in a package, shall be used: AND PROVIDED FURTHER, That under ~~((clause))~~ subsection (2) of this section the director shall by ~~((regulation))~~ rule establish (a) reasonable variations to be allowed, (b) exemptions as to small packages and (c) exemptions as to commodities put up in variable weights or sizes for sale to the consumer intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the consumer.

Sec. 17. RCW 19.94.420 and 1975 1st ex.s. c 51 s 1 are each amended to read as follows:

All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream and buttermilk and all fluid imitation and fluid substitute dairy products shall be packaged for retail sale only in units as provided by the director of the department of agriculture by ~~((regulation))~~ rule pursuant to the provisions of chapter 34.05 RCW.

Sec. 18. RCW 19.94.440 and 1969 c 67 s 44 are each amended to read as follows:

When a vehicle delivers to an individual purchaser a commodity in bulk, and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated, in ink or other indelible marking equipment and, in clarity, equal to type or printing: (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery expressed in pounds, and, if the net weight is derived from determinations of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered on demand to the director or the deputy director or the inspector, or the sealer or deputy sealer, who, if he or she desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: PROVIDED, That if the purchaser himself or herself carries away ~~((his))~~ the purchase, the vendor shall be required only to give the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to ~~((him))~~ the purchaser.

Sec. 19. RCW 19.94.450 and 1969 c 67 s 45 are each amended to read as follows:

All solid fuels such as, but not limited to, coal, coke, charcoal, broiler chips, pressed fuels and briquets shall be sold by weight: PROVIDED, That solid fuels such as hogged

fuel, sawdust and similar industrial fuels may be sold or purchased by cubic measure. Unless the fuel is delivered to the purchaser in package form, each delivery of coal, coke, or charcoal to an individual purchaser shall be accompanied by duplicate delivery tickets on which, in ink or other indelible substance, there shall be clearly stated (1) the name and address of the vendor; (2) the name and address of the purchaser; and (3) the net weight of the delivery and the gross and tare weights from which the net weight is computed, each expressed in pounds. One of these tickets shall be retained by the vendor and the other shall be delivered to the purchaser at the time of delivery of the fuel, or shall be surrendered, on demand, to the director or his or her deputy or inspector or a city sealer or deputy sealer who, if he or she desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser: PROVIDED, That if the purchaser carries away (~~his~~) the purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of fuel delivered to (~~him~~) the purchaser.

Mr. Wang spoke in favor of adoption of the amendment, and Mr. Fuhrman spoke against it. The amendment was adopted.

With consent of the House, the following amendment by Representatives Wang, Holland, Silver, Rayburn and Locke to the title was adopted:

On page 1, line 1 of the title, after "measures;" strike the remainder of the title and insert "amending RCW 19.94.150, 19.94.160, 19.94.190, 19.94.200, 19.94.220, 19.94.240, 19.94.250, 19.94.260, 19.94.290, 19.94.300, 19.94.330, 19.94.340, 19.94.350, 19.94.420, 19.94.440, and 19.94.450; and creating new sections."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1856, and the bill passed the House by the following vote: Yeas - 78, Nays - 19, Absent - 1, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Belcher, Betzoff, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Silver, Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Wang, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Ballard, Basich, Beck, Bowman, Chandler, Fuhrman, Hochstatter, Lisk, McLean, Morris, Morton, Moyer, Nealey, Padden, Prince, Sheldon, Sommers, D., Van Luven, Winsley - 19.

Absent: Representative Ferguson - 01.

Engrossed Substitute House Bill No. 1856, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1300, by Representatives Wang, Horn, Phillips, Heavey, Fraser, Winsley, Rust, Leonard, Nelson, Holland, Jacobsen, Appelwick, Dorn, Ferguson, Locke, H. Sommers, Brekke, Wineberry, May, R. King, Wilson, Betrozoff, Cole, Hine, Scott and Anderson

Modifying provisions for property assessment and allowing for averaging of large property tax valuation increases.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1300 was substituted for House Bill No. 1300, and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1300 was read the second time.

Mr. Wang moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 84.04 RCW to read as follows:

"Appraised value of property" means:

(1) For real property, the aggregate true and fair value of the property as last determined by the county assessor according to the revaluation program approved under chapter 84.41 RCW, including revaluations based on statistical data between physical inspections; and

(2) For personal property, the aggregate true and fair value of the property as last determined by the county assessor.

Sec. 2. RCW 84.04.030 and 1961 c 15 s 84.04.030 are each amended to read as follows:

"Assessed value of property" shall be held and construed to mean the aggregate valuation of the property subject to taxation by any taxing district as determined under section 5 of this act, reduced by the value of any applicable exemptions under RCW 84.36.381 or other law, and placed on the last completed and balanced tax rolls of the county preceding the date of any tax levy.

Sec. 3. RCW 84.40.020 and 1973 c 69 s 1 are each amended to read as follows:

All real property in this state subject to taxation shall be listed and assessed every year, with reference to its appraised and assessed values on the first day of January of the year in which it is assessed. Such listing and all supporting documents and records shall be open to public inspection during the regular office hours of the assessor's office: PROVIDED, That confidential income data is exempted from public inspection pursuant to RCW 42.17.310. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its appraised and assessed values and ownership on the first day of January of the year in which it is assessed: PROVIDED, That if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, such stock shall be listed and assessed upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business.

Sec. 4. RCW 84.40.030 and 1988 c 222 s 14 are each amended to read as follows:

All property shall be ~~((valued))~~ appraised at one hundred percent of its true and fair value in money and assessed ~~((on the same basis))~~ each year as provided in section 5 of this act, unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. (~~Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof. PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.~~)

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, (a) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (2) shall be the dominant factors in valuation. When provisions of this subsection (2) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the true and fair value of the land, exclusive of structures thereon shall be determined; also the true and fair value of structures thereon, but the appraised valuation shall not exceed the true and fair value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

NEW SECTION. Sec. 5. A new section is added to chapter 84.40 RCW to read as follows:

(1) As used in this section:

(a) "Previous assessed value" means the assessed value for the year immediately preceding the year for which a calculation is being made under this section.

(b) "Current appraised value" means the appraised value for the year for which a calculation is being made under this section.

(c) "Total value increase" means the current appraised value minus the previous assessed value. Total value increase can never be less than zero.

(d) "Improvement increase" means the portion of the total value increase attributable to any physical improvements made to the property since the previous assessment, other than improvements exempt under RCW 84.36.400 for the year for which a calculation is being made under this section. The total value of newly acquired personal property shall

be considered an improvement increase. Improvement increase can never be less than zero.

(e) "Market increase" means the total value increase minus the improvement increase. Market increase can never be less than zero.

(2) The assessed value of property is equal to the lesser of the current appraised value or a limited value determined under this section. The limited value is equal to the greater of:

(a) The improvement increase plus one hundred ten percent of the previous assessed value; or

(b) The sum of:

(i) The previous assessed value;

(ii) The improvement increase; and

(iii) One-quarter of the market increase.

Sec. 6. RCW 84.40.040 and 1988 c 222 s 15 are each amended to read as follows:

The assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. The assessor shall also complete the duties of listing and placing valuations on all property by May 31st of each year, except that the listing and valuation of construction and mobile homes under RCW ~~((36.21.040 through))~~ 36.21.080 and 36.21.090 shall be completed by August 31st of each year, and in the following manner, to wit:

The assessor shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter as the appraised value one hundred percent of the true and fair value of such land and of the total true and fair value of such improvements, together with the total of such one hundred percent valuations, opposite each description of property on the assessment list and tax roll.

The assessor shall determine the assessed value, under section 5 of this act, for each tract or lot of land listed for taxation, including improvements located thereon, and shall also enter this value opposite each description of property on the assessment list and tax roll.

The assessor shall make an alphabetical list of the names of all persons in the county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the standard form prescribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property in each category of the prescribed form, and shall be signed and verified under penalty of perjury by the person listing the property: PROVIDED, That the assessor may list and value improvements on publicly owned land in the same manner as real property is listed and valued, including conformance with the revaluation program required under chapter 84.41 RCW. Such list and statement shall be filed on or before the last day of April. The assessor shall on or before the 1st day of January of each year mail a notice to all such persons at their last known address that such statement and list is required, such notice to be accompanied by the form on which the statement or list is to be made: PROVIDED, That the notice mailed by the assessor to each taxpayer each year shall, if practicable, include the statement and list of personal property of the taxpayer for the preceding year. Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the property included in such statement and enter as the appraised value one hundred percent of the same on the assessment roll opposite the name of the party assessed(~~;- and~~). The assessor shall determine the assessed value of the property under section 5 of this act and shall also enter this value on the assessment roll opposite the name of the party assessed. In making such entry in the assessment list, the assessor shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description

of the party's residence or place of business. The assessor may, after giving written notice of the action to the person to be assessed, add to the assessment list any taxable property which should be included in such list.

Sec. 7. RCW 84.40.045 and 1977 ex.s. c 181 s 1 are each amended to read as follows:

The assessor shall give notice of any change in the ~~((true and fair))~~ assessed value of real or personal property ~~((for the tract or lot of land and any improvements thereon))~~ no later than thirty days after ~~((appraisal))~~ the change: PROVIDED, That no such notice shall be mailed during the period from January 15 to February 15 of each year: PROVIDED FURTHER, That no notice need be sent with respect to changes in valuation of forest land made pursuant to chapter 84.33 RCW.

The notice shall contain a statement of both the prior and the new ~~((true and fair))~~ appraised and assessed values ~~((and the ratio of the assessed value to the true and fair value on which the assessment of the property is based))~~, stating separately land and improvement appraised values for real property, and a brief statement of the procedure for appeal to the board of equalization and the time, date, and place of the meetings of the board.

The notice shall be mailed by the assessor to the taxpayer.

If any taxpayer, as shown by the tax rolls, holds solely a security interest in the real property which is the subject of the notice, pursuant to a mortgage, contract of sale, or deed of trust, such taxpayer shall, upon written request of the assessor, supply, within thirty days of receipt of such request, to the assessor the name and address of the person making payments pursuant to the mortgage, contract of sale, or deed of trust, and thereafter such person shall also receive a copy of the notice provided for in this section. Willful failure to comply with such request within the time limitation provided for herein shall make such taxpayer subject to a civil penalty of five dollars for each parcel of real property within the scope of the request in which it holds the security interest, the aggregate of such penalties in any one year not to exceed five thousand dollars. The penalties provided for herein shall be recoverable in an action by the county prosecutor, and when recovered shall be deposited in the county current expense fund. The assessor shall make the request provided for by this section during the month of January.

Sec. 8. RCW 84.41.041 and 1987 c 319 s 4 are each amended to read as follows:

Each county assessor shall cause taxable real property to be physically inspected and valued at least once every six years in accordance with RCW 84.41.030, and in accordance with a plan filed with and approved by the department of revenue. Such revaluation plan shall provide that a reasonable portion of all taxable real property within a county shall be revalued and these newly-determined values placed on the assessment rolls each year. The department may approve a plan that provides that all property in the county be revalued every two years. If the revaluation plan provides for physical inspection at least once each four years, during the intervals between each physical inspection of real property, the appraised valuation of such property may be adjusted to its current true and fair value, such adjustments to be based upon appropriate statistical data. If the revaluation plan provides for physical inspection less frequently than once each four years, during the intervals between each physical inspection of real property, the appraised valuation of such property shall be adjusted to its current true and fair value, such adjustments to be made once each year and to be based upon appropriate statistical data. If the appraised valuation is changed, the assessed value shall be recalculated under section 5 of this act.

The assessor may require property owners to submit pertinent data respecting taxable property in their control including data respecting any sale or purchase of said property within the past five years, the cost and characteristics of any improvement on the property and other facts necessary for appraisal of the property.

Sec. 9. RCW 84.48.010 and 1988 c 222 s 20 are each amended to read as follows:

Prior to July 15th, the county legislative authority shall form a board for the equalization of the assessment of the property of the county. The members of said board shall receive a per diem amount as set by the county legislative authority for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county: PROVIDED, That when the county legislative authority constitute the board they shall only receive their compensation as members of the county legislative authority. The board of equalization shall meet in open session for this purpose annually on the 15th day of July and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that the appraised value of each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, ((according to the measure of value used by the county assessor in such assessment year, which is presumed to be correct pursuant to RCW 84.40.0301)) and so that the assessed value of each tract or lot of real property and each article or class of personal property are entered on the assessment list at its correct amount, and subject to the following rules:

First. They shall raise the appraised valuation of each tract or lot or item of real property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and raise the assessed valuation of each tract or lot or item of real property which is returned below its correct amount to the correct amount after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the appraised valuation of each tract or lot or item which is returned above its true and fair value to such price or sum as to be the true and fair value thereof and reduce the assessed valuation of each tract or lot or item of real property which is returned above its correct amount to the correct amount.

Third. They shall raise the appraised valuation of each class of personal property which is returned below its true and fair value to such price or sum as to be the true and fair value thereof, and they shall raise the aggregate appraised value of the personal property of each individual whenever the aggregate appraised value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as to be the true value thereof, and raise the aggregate assessed valuation of the personal property of each individual which is returned below its correct amount to the correct amount, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall reduce the appraised valuation of each class of personal property enumerated on the detail and assessment list of the current year, which is returned above its true and fair value, to such price or sum as to be the true and fair value thereof; and they shall reduce the aggregate assessed valuation of the personal property of such individual who has been assessed at too large a sum to such sum or amount ((as was the true and fair value of the personal property)) to the correct amount.

Fifth. The board may review all claims for either real or personal property tax exemption as determined by the county assessor, and shall consider any taxpayer appeals from the decision of the assessor thereon to determine (1) if the taxpayer is entitled to an exemption, and (2) if so, the amount thereof.

The clerk of the board shall keep an accurate journal or record of the proceedings and orders of said board showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county legislative authority, and shall make a true record of the changes of the descriptions and ((assessed)) appraised values ordered by the county board of equalization. The assessor shall recalculate assessed values and correct the real and personal assessment rolls in accordance with the changes made by the said county board of equalization, and the assessor shall make duplicate abstracts of such corrected values, one copy of which shall

be retained in the office, and one copy forwarded to the department of revenue on or before the eighteenth day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the 15th day of July and may continue in session and adjourn from time to time during a period not to exceed four weeks, but shall remain in session not less than three days: PROVIDED, That the county board of equalization with the approval of the county legislative authority may convene at any time when petitions filed exceed twenty-five, or ten percent of the number of appeals filed in the preceding year, whichever is greater.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the department of revenue for the purpose of raising the state revenue.

County legislative authorities as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

Sec. 10. RCW 84.48.065 and 1989 c 378 s 14 are each amended to read as follows:

The county assessor or treasurer may cancel or correct assessments on the assessment or tax rolls which are erroneous due to manifest errors in description, double assessments, clerical errors in extending the rolls, clerical errors in calculating the assessed value under section 5 of this act, and such manifest errors in the listing of the property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family. When the county assessor cancels or corrects an assessment, the assessor shall send a notice to the taxpayer advising the taxpayer that the action of the county assessor is not final and shall be considered by the county board of equalization, and that such notice shall constitute legal notice of such fact. When the county assessor or treasurer cancels or corrects an assessment, a record of such action shall be prepared and filed with the county board of equalization, setting forth therein the facts relating to the error. The record shall also set forth by legal description all property belonging exclusively to the state, any county, or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes.

The county board of equalization shall consider only such matters as appear in the record filed with it by the county assessor or treasurer and shall correct only such matters as are set forth in the record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors mentioned in this section. If the county board of equalization finds that the action of the assessor was not correct, it shall issue a supplementary roll including such corrections as are necessary, and the assessment and levy shall have the same force and effect as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the supplementary roll. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

The county board of equalization shall convene on a day fixed by the board for the purpose of considering such matters as appear in the record filed by the county assessor or treasurer.

Sec. 11. RCW 84.48.075 and 1988 c 222 s 23 are each amended to read as follows:

(1) The department of revenue shall annually, prior to the first Monday in September, determine and submit to each assessor a preliminary indicated ratio for each county: PROVIDED, That the department shall establish rules and regulations pertinent to the determination of the indicated ratio, the indicated real property ratio and the

indicated personal property ratio: PROVIDED FURTHER, That these rules and regulations may provide that data, as is necessary for said determination, which is available from the county assessor of any county and which has been audited as to its validity by the department, shall be utilized by the department in determining the indicated ratio.

(2) To such extent as is reasonable, the department may define use classes of property for the purposes of determination of the indicated ratio. Such use classes may be defined with respect to property use and may include agricultural, open space, timber and forest lands.

(3) The department shall review each county's preliminary ratio with the assessor, a landowner, or an owner of an intercounty public utility or private car company of that county, if requested by the assessor, a landowner, or an owner of an intercounty public utility or private car company of that county, respectively, between the first and third Mondays of September. Prior to equalization of assessments pursuant to RCW 84.48.080 and after the third Monday of September, the department shall certify to each county assessor the real and personal property ratio for that county.

(4) The department of revenue shall also examine procedures used by the assessor to assess real and personal property in the county, including calculations, use of prescribed value schedules, and efforts to locate all taxable property in the county. If any examination by the department discloses other than market value is being listed as appraised value on the county assessment rolls of the county by the assessor and, after due notification by the department, is not corrected, the department of revenue shall, in accordance with rules adopted by the department, adjust the ratio of that type of property, which adjustment shall be used for determining the county's indicated ratio.

Sec. 12. RCW 84.48.080 and 1990 c 283 s 1 are each amended to read as follows:

Annually during the months of September and October, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the assessed valuation of the property in each county bears to the correct total assessed valuation of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the assessed valuation of any class of property in any county to a value that shall be equal, so far as possible, to the ~~((true and fair))~~ correct assessed value of such class as of January 1st of the current year, after determining the correct appraised value, and any adjustment applicable under section 5 of this act for the property, for the purpose of ascertaining the just amount of tax due from each county for state purposes. In equalizing personal property as of January 1st of the current year, the department shall use the assessment level of the preceding year. Such classification may be on the basis of types of property, geographical areas, or both.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful dollar rate on the dollar of the assessed value of the property of the entire state ~~((which assessed value shall be one hundred percent of the true and fair value of such property in money))~~ as equalized under this section. The department shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the assessed valuation of the taxable property of the county for the year as equalized by the department: PROVIDED, That for purposes of this apportionment, the department shall recompute the previous year's levy and the apportionment thereof to correct for changes and errors in taxable values reported to the department after October

l of the preceding year and shall adjust the apportioned amount of the current year's state levy for each county by the difference between the apportioned amounts established by the original and revised levy computations for the previous year. For purposes of this section, changes in taxable values mean a final adjustment made by a county board of equalization, the state board of tax appeals, or a court of competent jurisdiction and shall include additions of omitted property, other additions or deletions from the assessment or tax rolls, or a change in the indicated ratio of a county. Errors in taxable values mean errors corrected by a final reviewing body.

The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, the equalization of values, and the apportionment of the state levy by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, and the certification shall be available for public inspection.

Sec. 13. RCW 84.12.270 and 1975 1st ex.s. c 278 s 165 are each amended to read as follows:

The department of revenue shall annually make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter (~~and assess~~) the (~~true cash~~) appraised and assessed values of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the (~~true cash~~) appraised value of such property the department of revenue may inspect the property belonging to said companies and may take into consideration any information or knowledge obtained by it from such examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the (~~assessed~~) valuation of any and all property of such companies, whether operating or nonoperating property, and whether situated within or outside the state, and any other facts, evidence or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and (~~true cash~~) value of the operating property of such company.

Sec. 14. RCW 84.12.310 and 1975 1st ex.s. c 278 s 167 are each amended to read as follows:

For the purpose of determining the system value of the operating property of any such company, the department of revenue shall deduct from the (~~actual cash~~) assessed value of the total assets of such company, the (~~actual cash~~) assessed value of all nonoperating property owned by such company. For such purpose the department of revenue may require of the assessors of the various counties within this state a detailed list of such company's properties assessed by them, together with the assessable or assessed value thereof: PROVIDED, That such assessed or assessable value shall be advisory only and not conclusive on the department of revenue as to the value thereof.

Sec. 15. RCW 84.12.330 and 1975 1st ex.s. c 278 s 168 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of (~~subdivision (17) of~~) RCW 84.12.200(17), as applied to (~~said~~) the company, following which shall be entered the (~~actual cash~~) appraised and assessed values of the operating property as determined by the department of revenue.

No assessment shall be invalidated by reason of a mistake in the name of the company assessed, or the omission of the name of the owner or by the entry as owner of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((actual-cash))~~ appraised and assessed values of the operating property of the company, as ~~((herein))~~ required, it shall notify the company by mail of the valuation determined by it and entered upon ~~((said))~~ the roll.

Sec. 16. RCW 84.12.350 and 1967 ex.s. c 26 s 17 are each amended to read as follows:

Upon determination by the department of revenue of the true and correct ~~((actual-cash))~~ assessed value of the property appearing on such rolls it shall apportion such value to the respective counties entitled thereto, as hereinafter provided, and shall determine the equalized assessed valuation of such property in each such county and in the several taxing districts therein, by applying the county-indicated ratio to such actual apportioned value ~~((the same ratio as the ratio of assessed to actual value of the general property in such county))~~: PROVIDED, That, whenever the amount of the true and correct assessed value of the operating property of any company otherwise apportionable to any county or other taxing district shall be less than two hundred fifty dollars, such amount need not be apportioned to such county or taxing district but may be added to the amount apportioned to an adjacent county or taxing district.

Sec. 17. RCW 84.12.360 and 1987 c 153 s 3 are each amended to read as follows:

The ~~((actual-cash))~~ value of the operating property assessed to a company, as fixed and determined by the state board of equalization, shall be apportioned by the department of revenue to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of steam, suburban, and interurban railroad companies, telegraph companies and pipe line companies--upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the department of revenue (in case of railroads), mileage of wire (in the case of telegraph companies) and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the department may classify railroad track.

(2) Property of street railroad companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies--upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the department of revenue shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies--upon the basis of such factor or factors of allocation, to be determined by the department of revenue, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies--upon the basis set forth in ~~((subdivision))~~ subsection (2) ((hereof)) of this section.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the department of revenue in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially just and correct valuation of the operating property of such companies within the state and within each county thereof.

Sec. 18. RCW 84.16.040 and 1975 1st ex.s. c 278 s 179 are each amended to read as follows:

The department of revenue shall annually make an assessment of the operating property of each private car company; and between the first day of May and the first day

of July of each of said years shall prepare an assessment roll upon which it shall enter ~~((and assess))~~ the ~~((true cash))~~ appraised and assessed values of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the ~~((true cash))~~ appraised value of such property the department of revenue may take into consideration any information or knowledge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the ~~((assessed))~~ valuation of any and all property of such companies, whether operating property or nonoperating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: PROVIDED, That in no event shall any statement or report required from any company by this chapter be conclusive upon the department of revenue in determining the amount, character and ~~((true cash))~~ value of the operating property of such company.

Sec. 19. RCW 84.16.050 and 1975 1st ex.s. c 278 s 180 are each amended to read as follows:

The department of revenue may, in determining the ~~((actual cash))~~ assessed value of the operating property to be placed on the assessment roll value the entire property as a unit. If the company owns, leases, operates or uses property partly within and partly without the state, the department of revenue may determine the value of the operating property within this state by the proportion that the value of such property bears to the value of the entire operating property of the company, both within and without this state. In determining the operating property which is located within this state the department of revenue may consider and base such determination on the proportion which the number of car miles of the various classes of cars made in this state bears to the total number of car miles made by the same cars within and without this state, or to the total number of car miles made by all cars of the various classes within and without this state. If the value of the operating property of the company cannot be fairly determined in such manner the department of revenue may use any other reasonable and fair method to determine the value of the operating property of the company within this state.

Sec. 20. RCW 84.16.090 and 1975 1st ex.s. c 278 s 181 are each amended to read as follows:

Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of ~~((subdivision (3) of))~~ RCW 84.16.010(3) or otherwise, following which shall be entered the ~~((actual cash))~~ appraised and assessed values of the operating property as determined by the department of revenue. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the department of revenue shall have prepared the assessment roll and entered thereon the ~~((actual cash))~~ appraised and assessed values of the operating property of the company, as ~~((herein))~~ required, it shall notify the company by mail of the valuations determined by it and entered upon ~~((said))~~ the roll; and thereupon such assessed valuation shall become the ~~((actual cash))~~ assessed value of the operating property of the company, subject to revision or correction by the state board of equalization as hereinafter provided; and shall be the valuation upon which, after equalization by the state board of equalization as hereinafter provided, the taxes of such company shall be based and computed.

Sec. 21. RCW 84.16.110 and 1967 ex.s. c 26 s 18 are each amended to read as follows:

Upon determination by the department of revenue of the true and correct (~~actual cash~~) assessed value of the property appearing on such rolls the department shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall determine the equalized or assessed valuation of such property in such counties by applying the county-indicated ratio to such actual apportioned value (~~the same ratio as the ratio of assessed to actual value of the general property of the respective counties~~): PROVIDED, That, whenever the amount of the true and correct assessed value of the operating property of any company otherwise apportionable to any county shall be less than two hundred fifty dollars, such amount need not be apportioned to such county but may be added to the amount apportioned to an adjacent county.

Sec. 22. RCW 84.16.120 and 1961 c 15 s 84.16.120 are each amended to read as follows:

The (~~actual-cash~~) assessed value of the property of each company as fixed and determined by the state board of equalization as herein provided shall be apportioned to the respective counties in the following manner:

(1) If all the operating property of the company is situated entirely within a county and none of such property is located within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is situate, located and operated.

(2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state.

(3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair.

Sec. 23. RCW 84.24.040 and 1975 1st ex.s. c 278 s 186 are each amended to read as follows:

A hearing shall be had at the time and place set forth in the notice provided for in RCW 84.24.030, and thereafter the department of revenue shall determine, as of the original assessment date, and in the manner provided by existing law, the (~~cash-market~~) assessed value of the property in question (~~and the ratio between cash market value and assessed value of the other taxable property in the county where such property is located, and shall fix the equalized value of the property in question at that percentage of its cash market value as of the original assessment date, which the equalized assessed value of the general taxable property in the county where such reassessed property is located, bore to its cash market value~~): PROVIDED, HOWEVER, That in case of a protest, complaint or petition based upon an alleged excessive assessment, the reassessment shall not exceed the original assessment.

Sec. 24. RCW 84.36.041 and 1989 c 379 s 2 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.

(2) A home for the aging is eligible for a partial exemption if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents. The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible persons multiplied by two. The denominator of the fraction is the total number of occupied dwelling units. The fraction shall never exceed one.

(3) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(4) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(5) Each eligible resident of a home for the aging shall submit the form required under RCW 84.36.385 to the county assessor by July 1st of the assessment year. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(6) In determining the ~~((true and fair))~~ appraised value of a home for the aging for purposes of the partial exemption provided by subsection (2) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property.

(7) A home for the aging that was exempt for taxes levied for collection in 1990 and is not fully exempt under this section is entitled to partial exemptions as follows:

(a) For taxes levied for collection in 1991, two-thirds of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(b) For taxes levied for collection in 1992, one-third of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(8) As used in this section:

(a) "Eligible resident" means a person who would be eligible for an exemption under RCW 84.36.381 if the person owned a single-family dwelling. For the purposes of determining eligibility under this section, a "cotenant" as used in RCW 84.36.383 means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-two years of age or who have needs for care generally compatible with persons who are at least sixty-two years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

Sec. 25. RCW 84.52.063 and 1973 1st ex.s. c 195 s 105 are each amended to read as follows:

A rural library district may impose a regular property tax levy in an amount equal to that which would be produced by a levy of fifty cents per thousand dollars of assessed value multiplied by an equalized assessed valuation (~~((equal to one hundred percent of the true and fair value of the taxable property in the rural library district))~~), as determined by the department of revenue's indicated county ratio: PROVIDED, That when any county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.043 and ~~((RCW))~~ 84.52.050, as now or hereafter amended, before recomputing and establishing a consolidated levy in the manner set forth in RCW 84.52.010, the assessor shall first reduce the levy of any rural library district, by

such amount as may be necessary, but the levy of any rural library district shall not be reduced to less than fifty cents per thousand dollars against the value of the taxable property, as determined by the county, prior to any further adjustments pursuant to RCW 84.52.010. For purposes of this section "regular property tax levy" shall mean a levy subject to the limitations provided for in Article VII, section 2 of the state Constitution and/or by statute.

Sec. 26. RCW 84.70.010 and 1987 c 319 s 6 are each amended to read as follows:

(1) If, on or before December 31 in any calendar year, any real or personal property placed upon the assessment roll of that year is destroyed in whole or in part, or is in an area that has been declared a disaster area by the governor and has been reduced in value by more than twenty percent as a result of a natural disaster, the ~~((true-cash))~~ assessed value of such property shall be reduced for that year by an amount determined as follows:

(a) First take the ~~((true-cash))~~ assessed value of such taxable property before destruction or reduction in value and deduct therefrom the true cash value of the remaining property after destruction or reduction in value.

(b) Then divide any amount remaining by the number of days in the year and multiply the quotient by the number of days remaining in the calendar year after the date of the destruction or reduction in value of the property.

(2) No reduction in the ~~((true-cash))~~ assessed value shall be made more than three years after the date of destruction or reduction in value.

(3) The assessor shall make such reduction on his or her own motion; however, the taxpayer may make application for reduction on forms prepared by the department and provided by the assessor. The assessor shall notify the taxpayer of the amount of reduction.

(4) If destroyed property is replaced prior to the valuation dates contained in RCW 36.21.080 and 36.21.090, the total taxable value for that year shall not exceed the value as of the appropriate valuation date in RCW 36.21.080 or 36.21.090, whichever is appropriate.

(5) The taxpayer may appeal the amount of reduction to the county board of equalization within thirty days of notification or July 15th of the year of reduction, whichever is later. The board shall reconvene, if necessary, to hear the appeal.

NEW SECTION. Sec. 27. This act applies to taxes levied in 1991 for collection in 1992, and thereafter.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 29. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Representatives Wang, May and Van Luven spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Basich.

Mr. Basich: Is this going to be a nightmare for assessors--a shift from high property to low? Could you explain that a little more? It seems like we're going at this pretty fast here, and there was a lot of discussion on this before.

Would you explain it a little bit to us, so that we understand it, Representative Wang?

SPEAKER'S RULING

The Speaker: Representative Basich, questions and answers are intended to clarify and are not to be used as a debating tool. I find your question takes the privilege of question and answer beyond its original intention. If you would like to make a speech, please continue.

Mr. Basich spoke against adoption of the amendment, and Mr. Horn spoke in favor of it. The amendment was adopted.

With consent of the House, the following amendment by Representative Wang to the title was adopted:

On page 1, line 2 of the title, after "increases;" strike the remainder of the title and insert "amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.24.040, 84.36.041, 84.52.063, and 84.70.010; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; creating a new section; and declaring an emergency."

The bill was ordered engrossed. On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang, Paris, Ferguson, Van Luven spoke in favor of passage of the bill, and Representatives Haugen, Winsley, H. Sommers and Morris spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1300, and the bill passed the House by the following vote: Yeas - 50, Nays - 48, Absent - 0, Excused - 0.

Voting yea: Representatives Appelwick, Ballard, Beck, Belcher, Betzoff, Bowman, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Ebersole, Ferguson, Fisher, G., Former, Fraser, Heavey, Hine, Holland, Horn, Jacobsen, Leonard, Locke, May, Miller, Mitchell, Nelson, O'Brien, Paris, Phillips, Prentice, Prince, Pruitt, Roland, Schmidt, Scott, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 50.

Voting nay: Representatives Anderson, Basich, Braddock, Bray, Chandler, Cooper, Day, Dellwo, Dorn, Edmondson, Fisher, R., Franklin, Fuhrman, Grant, Hargrove, Haugen, Hochstatter, Insee, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Ludwig, McLean, Meyers, R., Mielke, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Ogden, Orr, Padden, Peery, Rasmussen, Rayburn, Riley, Rust, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Winsley - 48.

Engrossed Substitute House Bill No. 1300, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Please note for the Journal that I should have been a "no" vote on final passage of Engrossed Substitute House Bill No. 1300.

JENNIFER BELCHER, 22nd District.

The Speaker called on Representative R. Meyers to preside.

SUBSTITUTE SENATE BILL NO. 5110, by Senate Committee on Ways & Means (originally sponsored by Senators Bluechel, Bauer, McDonald, McMullen, Cantu, Gaspard, Bailey, Craswell, Wojahn, Sutherland, Vognild, Rasmussen, Johnson, Conner, Snyder, A. Smith, Talmadge, L. Smith, Madsen, Stratton, Murray, Rinehart, Pelz, Oke, Erwin, McCaslin and Skratek)

Expanding real property tax exemptions for senior citizens and certain retired persons.

The bill was read the second time.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Holland, Phillips and Van Luven:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 84.36.381 and 1987 c 301 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must have been sixty-one years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an

exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5)(a) A person who otherwise qualifies under this section and has a combined disposable income of ~~((eighteen))~~ twenty-six thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of ~~((fourteen))~~ eighteen thousand dollars or less but greater than ~~((twelve))~~ fifteen thousand dollars shall be exempt from all regular property taxes on the greater of ~~((twenty-four))~~ thirty thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed ~~((forty))~~ fifty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of ~~((twelve))~~ fifteen thousand dollars or less shall be exempt from all regular property taxes on the greater of ~~((twenty-eight))~~ thirty-four thousand dollars or fifty percent of the valuation of his or her residence.

Sec. 2. RCW 84.36.041 and 1989 c 379 s 2 are each amended to read as follows:

(1) All real and personal property used by a nonprofit home for the aging that is reasonably necessary for the purposes of the home is exempt from taxation if the benefit of the exemption inures to the home and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents; or

(b) The home is subsidized under a federal department of housing and urban development program. The department of revenue shall provide by rule a definition of homes eligible for exemption under this subsection (b), consistent with the purposes of this section.

(2) A home for the aging is eligible for a partial exemption if the home does not meet the requirements of subsection (1) of this section because fewer than fifty percent of the occupied dwelling units are occupied by eligible residents. The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home by a fraction. The numerator of the fraction is the number of dwelling units occupied by eligible persons multiplied by two. The denominator of the fraction is the total number of occupied dwelling units. The fraction shall never exceed one.

(3) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(4) A home for the aging is exempt from taxation only if the organization operating the home is exempt from income tax under section 501(c) of the federal internal revenue code as existing on January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purposes of this section.

(5) Each eligible resident of a home for the aging shall submit the form required under RCW 84.36.385 to the county assessor by July 1st of the assessment year. An eligible resident who has filed a form for a previous year need not file a new form until there is a change in status affecting the person's eligibility.

(6) In determining the true and fair value of a home for the aging for purposes of the partial exemption provided by subsection (2) of this section, the assessor shall apply the computation method provided by RCW 84.34.060 and shall consider only the use to

which such property is applied during the years for which such partial exemptions are available and shall not consider potential uses of such property.

(7) A home for the aging that was exempt for taxes levied for collection in 1990 and is not fully exempt under this section is entitled to partial exemptions as follows:

(a) For taxes levied for collection in 1991, two-thirds of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(b) For taxes levied for collection in 1992, one-third of the assessed value that would otherwise be subject to tax under this section is exempt from taxation.

(8) As used in this section:

(a) "Eligible resident" means a person who would be eligible for an exemption of regular property taxes under RCW 84.36.381 if the person owned a single-family dwelling. For the purposes of determining eligibility under this section, a "cotentant" as used in RCW 84.36.383 means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(b) "Home for the aging" means a residential housing facility that (i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person; (ii) has only residents who are at least sixty-two years of age or who have needs for care generally compatible with persons who are at least sixty-two years of age; and (iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

NEW SECTION. Sec. 3. In calendar year 1992, the county assessor of each county shall compile data on the number of persons using the property tax exemption program, the number of persons using the property tax deferral program, the income of the claimants, and the value of the residence for which an exemption or deferral is claimed. The county assessor shall report the results to the department of revenue no later than March 1, 1993.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 5. Section 1 of this act shall be effective for taxes levied for collection in 1992 and thereafter.

Mr. Moyer moved adoption of the following amendment by Representatives Moyer, Neher, Wood, Edmondson, Nealey, Brough, Prentice, Franklin and Winsley to the amendment:

On page 3 of the amendment, line 6, strike all of section 2

Renumber sections consecutively and correct any internal references accordingly.

Representatives Moyer and Edmondson spoke in favor of adoption of the amendment to the amendment, and Representatives Wang and Fraser spoke against it.

The Speaker resumed the Chair.

Mr. D. Sommers spoke in favor of adoption of the amendment to the amendment.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 3, line 6 by Representative Moyer and others to the amendment by Representative Wang and others to Substitute Senate Bill No. 5110, and the amendment to the amendment was not adopted by the following vote: Yeas - 45, Nays - 50, Absent - 3, Excused - 0.

Voting yea: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Heavey, Hochstatter, Holland, Inslee, Johnson P., Kremen, Lisk, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, Nealey, Neher, Nelson, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Sprenkle, Tate, Vance, Van Luven, Wilson, Wineberry, Winsley, Wood, Wynne - 45.

Voting nay: Representatives Anderson, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Hine, Horn, Jacobsen, Johnson R., Jones, King, R., Leonard, Locke, Ludwig, May, Myers, H., O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Valle, Wang, Zellinsky, and Mr. Speaker - 50.

Absent: Representatives Appelwick, Basich, Meyers, R. - 03.

The amendment by Representative Wang and others was adopted.

With consent of the House, the following amendment by Representatives Wang, Holland, Phillips and Van Luven to the title was adopted:

On page 1, line 2 of the title, after "disability;" strike the remainder of the title and insert "amending RCW 84.36.381 and 84.36.041; creating new sections; and declaring an emergency."

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang, Holland and Forner spoke in favor of passage of the bill, and Representatives Fuhrman and Brekke spoke against it.

The Speaker called on Representative R. Meyers to preside.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5110 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver,

Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Braddock, Brekke, Fuhrman, Hochstatter, Morton - 05.

Substitute Senate Bill No. 5110 as amended by the House, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 27, 1991

Mr. Speaker:

The Senate refused the request of the House for a Conference on SUBSTITUTE HOUSE BILL NO. 1275. On motion, the Senate reconsidered the vote by which the Senate Committee on Governmental Operations striking amendment(s) were adopted, did not adopt the amendments, and passed the bill with the following amendment(s):

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 29.18.022 and 1987 c 110 s 1 are each amended to read as follows:

The names of all candidates for partisan office, for the office of superintendent of public instruction, for public utility district office, and for all judicial offices shall be rotated in each precinct in the manner specified by RCW 29.30.040, 29.30.340, and 29.30.440. The order of names of candidates for such offices on sample ballots and on absentee ballots in primaries shall be determined in the following manner:

(1) After the close of business on the last day for candidates to file for office, the officer with whom declarations of candidacy are filed shall, from among those filings made in person and by mail in accordance with RCW 29.18.045(2), determine by lot the order in which the names of those candidates shall appear on the sample and absentee ballots under the appropriate office heading. The determination shall be done publicly, and may be witnessed by the media and by any candidate desiring to do so.

(2) For the purposes of this section and RCW 29.18.045, "filing officer" means the officer with whom declarations of candidacy for an office must be filed.

Sec. 2. RCW 29.30.025 and 1990 c 59 s 80 are each amended to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all sample and absentee ballots. In the case of candidates for city, town, and district office, except for public utility district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall appear on the general election ballot in the order determined by lot.

Sec. 3. RCW 29.21.010 and 1977 c 53 s 3 are each amended to read as follows:

All cities and towns shall hold primary elections irrespective of type or form of government which shall be nonpartisan and held as provided in RCW 29.13.070, as now or hereafter amended. All districts, except those districts which require ownership of property within ~~((said))~~ the districts as a prerequisite to voting, shall hold primary elections which shall be nonpartisan and held as provided in RCW 29.13.070 as now or hereafter amended.

All names of candidates to be voted upon at city, town, and such district primary elections, except for public utility district primary elections, shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective

titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the city, town, or district general election ballot so that the voter shall have a choice of two candidates for each position: PROVIDED, That no name of any candidate shall appear on the city, town, or district general election ballot unless said candidate shall receive at least five percent of the total votes cast for that office. The sequence of names of candidates printed on the city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the city, town, or district primary and general election ballot need not be rotated.

The purpose of this section is to establish the holding of a primary election, subject to the exemptions as contained in RCW 29.21.015 as now or hereafter amended, as a uniform procedural requirement to the holding of city, town, and district elections and such provisions shall supersede any and all other statutes, whether general or special in nature, having different election requirements.

Sec. 4. RCW 29.30.040 and 1990 c 59 s 94 are each amended to read as follows:

At primaries, the names of candidates for federal, state, and county partisan offices, for the office of superintendent of public instruction, for public utility district office, and for judicial offices shall, for each office or position, be arranged initially in the order determined under RCW 29.30.025. Additional sets of ballots shall be prepared in which the positions of the names of all candidates for each office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. As nearly as possible an equal number of ballots shall be prepared after each change. In making the changes of position between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. The effect of this rotation of the order of the names shall be that the name of each candidate for an office or position shall appear first, second, and so forth for that office or position on the ballots of a nearly equal number of registered voters in that jurisdiction. In a precinct using voting devices, the names of the candidates for each office shall appear in only one sequence in that precinct. The names of candidates for city, town, and district office on the ballot at the primary shall not be rotated.

Sec. 5. RCW 35.02.020 and 1986 c 234 s 3 are each amended to read as follows:

A petition for incorporation must be signed by ~~((qualified))~~ registered voters resident within the limits of the proposed city or town equal in number to ten percent of the ~~((votes cast))~~ number of voters who voted at the last ~~((state))~~ general municipal election and presented to the auditor of the county in which all, or the largest portion of, the proposed city or town is located.

Sec. 6. RCW 35.02.090 and 1986 c 234 s 12 are each amended to read as follows:

The elections on the proposed incorporation and for the nomination and election of the initial elected officials shall be conducted in accordance with the general election laws of the state, except as provided in this chapter. No person is entitled to vote ~~((thereat))~~ unless he or she is a ~~((qualified elector))~~ registered voter of the county, or any of the counties in which the proposed city or town is located, and has resided within the limits of the proposed city or town for at least thirty days next preceding the date of election.

Sec. 7. RCW 35.06.020 and 1965 c 7 s 35.06.020 are each amended to read as follows:

When a petition is filed signed by ~~((electors))~~ registered voters of a city or town, in number equal to not less than one-fifth of the votes cast at the last general municipal election, seeking reorganization thereof as a city of a higher class than that indicated by the last preceding federal or state census, the city or town council to which the petition is presented shall forthwith cause a census to be taken by one or more suitable persons of all the inhabitants of such town or city in which census the full name of each person shall be plainly written, and the names alphabetically arranged and regularly numbered in complete series. The census shall be verified before an officer authorized to administer oaths and filed with the city or town clerk.

If the census shows such city or town qualified for the class named in the petition, the same proceedings shall be had as if the census were a federal or state census.

If the census shows such city or town not qualified for the class named in the petition, no further proceedings shall be had: PROVIDED, That the city or town may be reorganized as a city or town of the class indicated by the census, upon a proper petition filed within six months from the filing of such census with the clerk, without other or further census.

Sec. 8. RCW 35.06.030 and 1965 c 7 s 35.06.030 are each amended to read as follows:

If the census prescribed in RCW 35.06.020 shows that the city or town belongs to the class named in the petition, the city or town council shall cause notice to be given as in other cases, that at the ~~((the))~~ next general election of the city or town, or at a special election to be called for that purpose, the ~~((electors))~~ voters may vote for or against the advancement, their ballots to contain the words "for advancement" and the words "against advancement."

Sec. 9. RCW 35.06.050 and 1965 c 7 s 35.06.050 are each amended to read as follows:

The clerk shall lay the certificate of election and census before the council at its next regular meeting after the same has been filed in his or her office, and if ~~((it appear that all the votes cast for the advancement are not a majority of the votes cast at the election))~~ a majority of those voting on the advancement are not in favor of advancement, no further proceedings shall be had on that petition; but this shall not bar any new proceedings for such purpose.

Sec. 10. RCW 35.24.020 and 1987 c 3 s 9 are each amended to read as follows:

The government of a third class city shall be vested in a mayor, a city council of seven members, a city attorney, a clerk, a treasurer, all elective; and a chief of police, municipal judge, city engineer, street superintendent, health officer and such other appointive officers as may be provided for by statute or ordinance: PROVIDED, That the council may enact an ordinance providing for the appointment of the city clerk, city attorney, and treasurer by the mayor, which appointment shall be subject to confirmation by a majority vote of the city council. Such ordinance shall be enacted and become effective not later than thirty days prior to the first day allowed for filing declarations of candidacy for such offices when such offices are subject to an approaching city primary election. Elective incumbent city clerks, city attorneys, and city treasurers shall serve for the remainder of their unexpired term notwithstanding any appointment made pursuant to RCW 35.24.020 and 35.24.050. If a free public library and reading room is established, five library trustees shall be appointed. The city council by ordinance shall prescribe the duties and fix the compensation of all officers and employees: PROVIDED, That the provisions of any such ordinance shall not be inconsistent with any statute: PROVIDED FURTHER, That where the city council finds that the appointment of a full time city engineer is unnecessary, it may in lieu of such appointment, by resolution provide for the performance of necessary engineering services on either a part time, temporary or periodic basis by a qualified engineering firm, pursuant to any reasonable contract.

The mayor shall appoint and at his or her pleasure may remove all appointive officers except as otherwise provided herein: PROVIDED, That municipal judges shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering ~~((him))~~ the judge incapable of performing the duties of his or her office. Every appointment or removal must be in writing signed by the mayor and filed with the city clerk.

Sec. 11. RCW 35.24.180 and 1965 c 7 s 35.24.180 are each amended to read as follows:

The city council and mayor shall meet on the first Tuesday in January next succeeding the date of each general municipal election, and shall take the oath of office, and shall hold regular meetings at least once during each month but not to exceed one regular meeting in each week, at such times as may be fixed by ordinance.

Special meetings may be called by the mayor by written notice ~~((delivered to each member of the council at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No ordinances shall be passed or contract let or entered into, or bill for the payment of money allowed at any special meeting.

All meetings of the city council shall be held within the corporate limits of the city at such place as may be designated by ordinance. All meetings of the city council must be public.

Sec. 12. RCW 35.24.190 and 1969 c 101 s 3 are each amended to read as follows:

The members of the city council at their first meeting after each general municipal election and thereafter whenever a vacancy occurs, shall elect from among their number a mayor pro tempore, who shall hold office at the pleasure of the council and in case of the absence of the mayor, perform the duties of mayor except that he or she shall not have the power to appoint or remove any officer or to veto any ordinance. If a vacancy occurs in the office of mayor, the city council at their next regular meeting shall elect from among their number a mayor, who shall serve until a mayor is elected and certified at the next municipal election.

In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

The mayor and the mayor pro tempore shall have power to administer oaths and affirmations, take affidavits and certify them. The mayor or the mayor pro tempore when acting as mayor, shall sign all conveyances made by the city and all instruments which require the seal of the city.

Sec. 13. RCW 35.27.010 and 1965 c 7 s 35.27.010 are each amended to read as follows:

Every municipal corporation of the fourth class shall be entitled the "Town of" (naming it), and by such name shall have perpetual succession, may sue, and be sued in all courts and places, and in all proceedings whatever; shall have and use a common seal, alterable at the pleasure of the town authorities, and may purchase, lease, receive, hold, and enjoy real and personal property and control ~~((and)),~~ lease, sublease, convey, or otherwise dispose of the same for the common benefit.

Sec. 14. RCW 35.27.070 and 1987 c 3 s 12 are each amended to read as follows:

The government of a town shall be vested in a mayor and a council consisting of five members and a treasurer, all elective; the mayor shall appoint a clerk and a marshal; and may appoint a town attorney, pound master, street superintendent, a civil engineer, and such police and other subordinate officers and employees as may be provided for by ordinance. All appointive officers and employees shall hold office at the pleasure of the mayor and shall not be subject to confirmation by the town council.

Sec. 15. RCW 35.27.130 and 1990 c 212 s 2 are each amended to read as follows:

The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and

its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers and employees shall be fixed from time to time by the council.

Any town that provides a pension for any of its employees under a plan not administered by the state must notify the state auditor of the existence of the plan at the time of an audit of the town by the auditor. No town may establish a pension plan for its employees that is not administered by the state, except that any defined contribution plan in existence as of January 1, 1990, is deemed to have been authorized. No town that provides a defined contribution plan for its employees as authorized by this section may make any material changes in the terms or conditions of the plan after June 7, 1990.

Sec. 16. RCW 35.27.270 and 1965 c 7 s 35.27.270 are each amended to read as follows:

The town council shall meet on the second Tuesday in January succeeding the date of the general municipal election, shall take the oath of office, and shall hold regular meetings at least once each month at such times as may be fixed by ordinance. Special meetings may be called at any time by the mayor or by three ~~((councilmen))~~ councilmembers, by written notice ~~((delivered to each member at least three hours before the time specified for the proposed meeting))~~ as provided in RCW 42.30.080. No resolution or order for the payment of money shall be passed at any other than a regular meeting. No such resolution or order shall be valid unless passed by the votes of at least three ~~((councilmen))~~ councilmembers.

All meetings of the council shall be held within the corporate limits of the town, at such places as may be designated by ordinance and shall be public.

Sec. 17. RCW 35.27.280 and 1965 c 107 s 2 are each amended to read as follows:

A majority of the ~~((councilmen))~~ councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability. The mayor shall preside at all meetings of the council. The mayor shall have a vote only in case of a tie in the votes of the ~~((councilmen))~~ councilmembers. In the absence of the mayor the council may appoint a president pro tempore; in the absence of the clerk, the mayor, or president pro tempore, shall appoint one of the councilmembers as clerk pro tempore. The council may establish rules for the conduct of its proceedings and punish any members or other person for disorderly behavior at any meeting. At the desire of any member, the ayes and noes shall be taken on any question and entered in the journal.

NEW SECTION. Sec. 18. A new section is added to chapter 35.21 RCW to read as follows:

(1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.

(2) For the purposes of this section, (a) "clerk" means the city or town clerk or other person who is lawfully designated to perform the recordkeeping function of that office, and (b) "municipal research council" means the municipal research council created by chapter 43.110 RCW.

(3) The clerk of every city and town is directed to provide to the municipal research council or its designee, promptly after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list

or lists promulgated by the municipal research council or its designee from time to time, and may provide such copies without charge. The municipal research council may provide that information to the entity with which it contracts for the provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.

(4) This section is intended to be directory and not mandatory.

Sec. 19. RCW 35A.12.010 and 1985 c 106 s 1 are each amended to read as follows:

The government of any noncharter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants, the council shall consist of seven members: **PROVIDED**, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven member council. If, after a city has become a mayor-council code city, its population increases to twenty-five hundred or more inhabitants, the number of councilmanic offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of councilmanic offices in the city. When the population of a mayor-council code city having five councilmanic offices increases to five thousand or more inhabitants, the number of councilmanic offices in the city shall increase from five to seven members. In the event of an increase in the number of councilmanic offices, the city council shall, by majority vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term: **PROVIDED**, That both persons shall be elected to a two-year term when (a) the city council has divided the city into wards pursuant to RCW 35A.12.180, and (b) the terms of office of a majority of the other councilmanic offices expire at such election. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the mayor-council plan of government set forth in this chapter, may provide for an uneven number of councilmen not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the mayor-council plan of government and which has seven councilmanic offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of councilmanic offices to five. The ordinance shall specify which two councilmanic offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained councilmanic office, if necessary, in order to comply with RCW 35A.12.040.

Sec. 20. RCW 35A.39.010 and 1967 ex.s. c 119 s 35A.39.010 are each amended to read as follows:

Every code city shall keep a journal of minutes of its legislative meetings with orders, resolutions and ordinances passed, and records of the proceedings of any city department, division or commission performing quasi judicial functions as required by ordinances of the city and general laws of the state and shall keep such records open to the public as required by RCW 42.32.030 and shall keep and preserve all public records and publications or reproduce and destroy the same as provided by Title 40 RCW. Each code city (~~shall provide three copies of each of its ordinances of general application to the association of Washington cities without charge and~~) may duplicate and sell copies

of its ordinances at fees reasonably calculated to defray the cost of such duplication and handling.

Sec. 21. RCW 41.08.040 and 1973 1st ex.s. c 154 s 60 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members (~~(chairman)~~) chair and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit (~~(of ten percent)~~) in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner

prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 22. RCW 41.12.040 and 1937 c 13 s 5 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members (~~chairman~~) chair and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records for the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town, or municipality, or promotional and limited to persons already in the service of the police department or of the police department and other departments of said city, town, or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction, or discharge in the same manner and subject to the same limitations as are provided in the case of members of the police department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which

examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed, or multigraphed for free public distribution. Such rules and regulations may be changed from time to time;

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill;

(3) The rules and regulations adopted by the commission shall provide for a credit ~~((of ten percent))~~ in accordance with RCW 41.04.010 in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy, and marine corps and the American Red Cross. These credits apply to entrance examinations only;

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions, and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his or her judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such;

(5) Hearings and Investigations: How conducted. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members;

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission;

(7) Establish and maintain in card or other suitable form a roster of officers and employees;

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that ~~((men))~~ persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed;

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as provisional appointee in any one fiscal year;

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 23. RCW 42.17.310 and 1991 c 1 s 1 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapters 43.163 ((RCW)) and ((chapter)) 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses during application for loans or program services provided by chapters 43.163 ((RCW and chapters)), 43.31, 43.63A, and 43.168 RCW.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(w) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(x) Information obtained by the board of pharmacy and its representatives as provided in RCW 69.41.044 and 69.41.280.

(y) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(z) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(aa) Financial and valuable trade information under RCW 51.36.120.

(bb) Effective April 19, 1991, the work and home addresses, other than the city of residence, of a person shall remain undisclosed or be omitted from all documents made available for public review if that person requests in writing, under oath, that these addresses be kept private because disclosure would endanger his or her life, physical safety, or property. This provision does not in any way restrict the sharing or collection

of information by state and local governmental agencies required for the daily administration of their duties. The secretary of state shall administer this provision and establish the procedures and rules that are necessary for its operation. An agency that has not been furnished with a request for confidentiality of address information is not liable for damages resulting from its disclosure of the information. For purpose of service of process, the secretary of state shall serve as agent for each person who submits a request under this subsection. A request shall be of no force or effect if the requester does not include a statement, along with or part of the request, designating the secretary of state as agent of the requester for purposes of service of process.

(cc) Personal information in files maintained for patients or clients who have been provided emergency medical services by a publicly operated emergency medical service provider.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 24. RCW 54.08.010 and 1985 c 469 s 55 are each amended to read as follows:

At any general election held in an even-numbered year, the county legislative authority of any county in this state may, or, on petition of ten percent of the ((qualified electors)) registered voters of the county based on the total vote cast in the last general county election held in an even-numbered year, shall, by resolution, submit to the voters of the county the proposition of creating a public utility district which shall be coextensive with the limits of the county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If the petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed the petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the county legislative authority which shall submit the proposition to the voters of the county at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to the legislative authority. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall

in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms:

Public Utility District No. YES ()
 Public Utility District No. NO ()

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition, without the signatures thereto appended, for two weeks prior to the date of the hearing, together with a notice stating the time of the meeting when the petition will be heard. The publication, and all other publications required by this act, shall be in a newspaper of general circulation in the county in which the district is situated. The hearing on the petition may be adjourned from time to time, not exceeding four weeks in all. If upon the final hearing the county legislative authority shall find that any lands have been unjustly or improperly included within the proposed public utility district and will not be benefited by inclusion therein, it shall change and fix the boundary lines in such manner as it shall deem reasonable and just and conducive to the public welfare and convenience, and make and enter an order establishing and defining the boundary lines of the proposed public utility district: PROVIDED, That no lands shall be included within the boundaries so fixed lying outside the boundaries described in the petition, except upon the written request of the owners of those lands. Thereafter the same procedure shall be followed as prescribed in this chapter for the formation of a public utility district including an entire county, except that the petition and election shall be confined solely to the lesser public utility district.

No public utility district created after September 1, 1979, shall include any other public utility district within its boundaries: PROVIDED, That this paragraph shall not alter, amend, or modify provisions of chapter 54.32 RCW.

Sec. 25. RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended to read as follows:

Any district which does not own or operate electric facilities for the generation, transmission or distribution of electric power on March 25, 1969, or any district which hereafter does not construct or acquire such electric facilities within ten years of its creation, shall not construct or acquire any such electric facilities without the approval of such proposal by the voters of such district: PROVIDED, That a district shall have the power to construct or acquire electric facilities within ten years following its creation by action of its commission without voter approval of such action.

At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted to the voters of the district by resolution of the public utility district commission or shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the ~~((qualified electors))~~ registered voters of ~~((such))~~ the district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county

auditor, who shall have an additional fifteen days to examine the same and attach his or her certificate thereto. No person having signed such petition shall be allowed to withdraw his or her name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his or her certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of ((said)) the district at the next general election in an even-numbered year occurring forty-five days after submission of the proposition to ((said)) the legislative authority. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms:

Shall Public Utility District No. of County construct or acquire electric facilities for the generation, transmission or distribution of electric power?

Yes ()

No ()

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

Sec. 26. RCW 54.08.080 and 1969 c 106 s 4 are each amended to read as follows:

Any district now or hereafter created under the laws of this state may be dissolved, as hereinafter provided, by a majority vote of the ((qualified electors)) registered voters of ((such)) the district at any general election upon a resolution of the district commission, or upon petition being filed and such proposition for dissolution submitted to ((said electors)) the voters in the same manner provided by chapter 54.08 RCW for the creation of public utility districts. The returns of the election on such proposition for dissolution shall be canvassed and the results declared in the same manner as is provided by RCW 54.08.010: PROVIDED, HOWEVER, That any such proposition to dissolve a district shall not be submitted to the ((electors)) voters if within five years prior to the filing of such petition or resolution such district has undertaken any material studies or material action relating to the construction or acquisition of any utility properties or if such district at the time of the submission of such proposition is actually engaged in the operation of any utility properties.

If a majority of the ((votes cast)) registered voters voting on the dissolution at the election favor dissolution, the commission of the district shall petition, without any filing fee, the superior court of the county in which such district is located for an order authorizing the payment of all indebtedness of the district and directing the transfer of any surplus funds or property to the general fund of the county in which such district is organized.

NEW SECTION. Sec. 27. Sections 1 and 3 of this act shall expire July 1, 1992.

NEW SECTION. Sec. 28. Sections 2 and 4 of this act shall take effect July 1, 1992.

Sec. 29. RCW 35.02.078 and 1986 c 234 s 10 are each amended to read as follows:

An election shall be held in the area proposed to be incorporated to determine whether the proposed city or town shall be incorporated if the boundary review board approves or modifies and approves the proposal, or if the county legislative authority does

not disapprove the proposal as provided in RCW 35.02.070. Voters at this election shall determine if the area is to be incorporated.

The initial election on the question of incorporation shall be held at the next special election date specified in RCW 29.13.020 that occurs sixty or more days after the final public hearing by the county legislative authority or authorities, or the approval or modification and approval by the boundary review board or boards. The county legislative authority or authorities shall call for this election and, if the incorporation is approved, shall call for other elections to elect the elected officials as provided in this section. If the vote in favor of the incorporation receives ~~((forty))~~ thirty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed. This three-year prohibition shall not apply to any proposed city or town in which such election was held after September 1, 1990, but before the effective date of this section and the vote in favor of the incorporation received thirty percent or more of the total on the question of incorporation.

If the incorporation is authorized as provided by RCW 35.02.120, separate elections shall be held to nominate and elect persons to fill the various elective offices prescribed by law for the population and type of city or town, and to which it will belong. The primary election to nominate candidates for these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs sixty or more days after the election on the question of incorporation or, if the incorporation election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July. The election to fill these elective positions shall be held at the next special election date, as specified in RCW 29.13.020, that occurs thirty or more days after certification of the results of the primary election or, if the primary election was held in April or May, at a special election by mail ballots to be held on the third Tuesday in July.

Sec. 30. RCW 35.14.010 and 1985 c 281 s 24 are each amended to read as follows:

Whenever unincorporated territory is annexed by a city or town pursuant to the provisions of chapter 35.13 RCW, or whenever unincorporated territory is annexed to a code city pursuant to the provisions of chapter 35A.14 RCW, community municipal corporations may be organized ~~((in the manner provided for in this 1967 amendatory act))~~ for the territory comprised of all or a part of an unincorporated area annexed to a city or town pursuant to chapter 35.13 or 35A.14 RCW, if: (1) The service area is such as would be eligible for incorporation as a city or town; or (2) the service area has a minimum population of not less than three hundred inhabitants and ten percent of the population of the annexing city or town; or (3) the service area has a minimum population of not less than one thousand inhabitants.

Whenever two or more cities are consolidated pursuant to the provisions of chapter 35.10 RCW, a community municipal corporation may be organized within one or more of the consolidating cities.

No territory shall be included in the service area of more than one community municipal corporation. Whenever a new community municipal corporation is formed embracing all of the territory of an existing community municipal corporation, the prior existing community municipal corporation shall be deemed to be dissolved on the effective date of the new corporation.

NEW SECTION. Sec. 31. A new section is added to chapter 35.10 RCW to read as follows:

Voters of one or more of the cities that are proposed to be consolidated may have a ballot proposition submitted to them authorizing the simultaneous creation of a community municipal corporation and election of community council members as provided for under chapter 35.14 RCW. The joint resolution that initiates a consolidation under RCW 35.10.410 may provide for the question of whether a community municipal

corporation shall be created to be submitted to the voters of one or more of the cities that are proposed to be consolidated as a separate ballot measure from the ballot measure authorizing the consolidation or as part of the same ballot measure authorizing the consolidation. The petitions that are signed by the voters of each of the cities that are proposed to be consolidated under RCW 35.10.420 may provide for the question of whether to create a community municipal corporation to be submitted to the voters of that city as a separate ballot measure from the ballot measure authorizing the consolidation or as part of the same ballot measure authorizing the consolidation.

The ballots shall contain the words "For consolidation and creation of community municipal corporation" and "Against consolidation and creation of community municipal corporation," or "For creation of community municipal corporation" and "Against creation of community municipal corporation," as the case may be. Approval of either optional ballot proposition shall be by simple majority vote of the voters voting on the proposition, but the consolidation must be authorized by the voters of each city proposed to be consolidated before a community municipal corporation is created.

NEW SECTION. Sec. 32. A new section is added to chapter 35A.14 RCW to read as follows:

The resolution initiating the annexation of territory under RCW 35A.14.015, and the petition initiating the annexation of territory under RCW 35A.14.020, may provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in chapter 35.14 RCW, as separate ballot measures or as part of the same ballot measure authorizing the annexation, or for the simultaneous inclusion of the annexed area into a named existing community municipal corporation operating under chapter 35.14 RCW, as separate ballot measures or as part of the same ballot measure authorizing the annexation. If the petition so provides for the creation of a community municipal corporation and election of community council members, the petition shall describe the boundaries of the proposed service area, state the number of voters residing therein as nearly as may be, and pray for the election of community council members by the voters residing in the service area.

The ballots shall contain the words "For annexation and creation of community municipal corporation" and "Against annexation and creation of community municipal corporation," or "For creation of community municipal corporation" and "Against creation of community municipal corporation," as the case may be. Approval of either optional ballot proposition shall be by simple majority vote of the voters voting on the proposition, but the annexation must be authorized before a community municipal corporation is created.

Sec. 33. RCW 70.44.040 and 1990 c 259 s 39 are each amended to read as follows:

The provisions of Title 29 RCW relating to elections shall govern public hospital districts, except that: (1) The total vote cast upon the proposition to form a hospital district shall exceed forty percent of the total number of votes cast in the precincts comprising the proposed district at the preceding general and county election; and (2) in public hospital districts encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general and county election. If the public hospital district is coextensive with the limits of a county and if the county is not operating under a home rule charter, then, at the first election of commissioners and until any change is made in the boundaries of the public hospital district commissioner districts in accordance with RCW 29.70.100, one public hospital district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public hospital district is located. If the public hospital district comprises only a portion of a county or encompasses portions of more than one county, or if the public hospital district is located in a county operating under a home rule charter, then the petition for the formation of the

public hospital district shall describe three public hospital district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, and, at the first election of commissioners and until any change is made in the boundaries of the public hospital district commissioner districts in accordance with RCW 29.70.100, one commissioner shall be elected from each of the public hospital district commissioner districts described in the petition. If the boundaries described in the petition for the formation of a public hospital district are changed prior to the election on the proposition for the formation of the public hospital district, then the auditor of the county in which the public hospital district is located or, if the public hospital district encompasses portions of more than one county, the auditor of the county in which the largest portion of the public hospital district is located shall redetermine the boundaries of the commissioner districts in accordance with the above provisions. Any candidate for a particular public hospital district commissioner district position must be a registered voter of that commissioner district. Public hospital district commissioners shall hold office for the term of six years and until their successors are elected and qualified, each term to commence on the first day in January following the election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. All candidates shall be voted upon by the entire district, and the candidate residing in commissioner district No. 1 receiving the highest number of votes in the hospital district shall hold office for the term of six years; the candidate residing in commissioner district No. 2 receiving the highest number of votes in the hospital district shall hold office for the term of four years; and the candidate residing in commissioner district No. 3 receiving the highest number of votes in the hospital district shall hold office for the term of two years. The first commissioners to be elected shall take office immediately when qualified in accordance with RCW 29.01.135. Each term of the initial commissioners shall date from the time above specified following the organizational election, but shall also include the period intervening between the organizational election and the first day of January following the next district general election: PROVIDED, That in public hospital districts ((encompassing portions of more than one county, the total vote cast upon the proposition to form the district shall exceed forty percent of the total number of votes cast in each portion of each county lying within the proposed district at the next preceding general county election. The portion of the proposed district located within each county shall constitute a separate commissioner district. There shall be three district commissioners whose terms shall be six years. Each district shall be designated by the name of the county in which it is located. All candidates for commissioners shall be voted upon by the entire district. Not more than one commissioner shall reside in any one district: PROVIDED FURTHER, That in the event there are only two districts then two commissioners may reside in one district. The term of each commissioner shall commence on the first day in January in each year following his election. At the election at which the proposition is submitted to the voters as to whether a district shall be formed, three commissioners shall be elected to hold office, respectively, for the terms of two, four, and six years. The candidate receiving the highest number of votes within the district, as constituted by the election, shall serve a term of six years; the candidate receiving the next highest number of votes shall hold office for a term of four years; and the candidate receiving the next highest number of votes shall hold office for a term of two years: PROVIDED FURTHER, That the holding of each such term of office shall be subject to the residential requirements for district commissioners hereinbefore set forth in this section)) created with five or seven commissioners pursuant to RCW 70.44.051 the commissioners shall be elected and the initial terms of office shall be determined as provided in RCW 70.44.055 and 70.44.057.

NEW SECTION. Sec. 34. This act shall not be construed as affecting any public hospital district created prior to the effective date of this section.

NEW SECTION. Sec. 35. Tax levies authorized by voter approval of a ballot proposition submitted by a city under RCW 84.55.050 at an election held prior to 1988 for the purpose of funding the cost of library improvements, plus the costs of borrowing such amount for up to twenty years, may be levied in the amounts and in the years authorized by the voters in addition to the levies otherwise allowed by this chapter until the expiration of the limited period or satisfaction of the limited purpose so authorized, whichever comes first, notwithstanding the provisions of RCW 84.55.050(2). This act is curative and shall apply retroactively to all limited ballot propositions described herein. The elections at which any such ballot propositions were submitted, and the tax levies authorized thereby, shall be valid and effective in all respects. This act shall not be construed to adversely affect the validity or reduce the amount of any tax levies authorized by any other ballot proposition heretofore or hereafter submitted under RCW 84.55.050.

NEW SECTION. Sec. 36. It is the purpose of this chapter to regulate certain adult entertainment businesses to promote the health, safety, and welfare of the citizens of the state of Washington. The legislature finds that these businesses, when unregulated, promote illegal activities including obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

NEW SECTION. Sec. 37. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult entertainment business" means a nightclub, bar, restaurant, theater, concert hall, auditorium, or similar commercial establishment that regularly features live performances by nude or seminude persons.

(2) "Applicant" means a person or persons applying for a license under this chapter.

(3) "Business license" means a license issued by the department under this chapter to an adult entertainment business.

(4) "Department" means the department of licensing.

(5) "Director" means the director of licensing.

(6) "Licensee" means a person or persons in whose name a license has been issued under this chapter.

(7) "Nude" means a state of dress that exposes a person's bare buttock, anus, genital, or breast, or a state of dress which fails to cover opaquely a person's buttock, anus, genital, or areola of the breast.

(8) "Own or operate" means a person has a substantial interest in an adult entertainment business.

(9) "Performer's license" means a license issued by the department under this chapter to a performer in an adult entertainment business.

(10) "Seminude" means a state of dress other than nude that, with respect to a person's torso, opaquely covers only the buttocks, anus, genitals, and areolae of the breasts, as well as portions of the body covered by supporting straps or devices.

(11) "Substantial interest" means the interest possessed by a person when:

(a) With respect to a sole proprietorship, the person, or his or her marital community, owns, operates, manages, or conducts, directly or indirectly, the business, or any part of it; or

(b) With respect to a partnership, the person or his or her marital community, shares in any of the profits, or potential profits, of the business; or

(c) With respect to a corporation, the person or his or her spouse, is an officer, or director, or the person or his or her marital community is a holder, directly or beneficially, of ten percent or more of any class of stock of the business; or

(d) With respect to an organization not covered in (a), (b), or (c) of this subsection, the person or his or her spouse, is an officer or manages the business affairs, or the

person or his or her marital community is owner of or otherwise controls ten percent or more of the assets of the business; or

(e) The person, or his or her marital community, furnishes ten percent or more of the capital, whether in cash, goods, or services, for the operation of the business during any calendar year.

NEW SECTION. Sec. 38. (1) It is a gross misdemeanor for a person to own, operate, or manage, or act as the agent for one who owns, operates, or manages, an adult entertainment business in the state of Washington unless the person has obtained a business license pursuant to this chapter.

(2) It is a gross misdemeanor for a performer to appear nude or seminude in an adult entertainment business unless the performer has obtained a performer's license pursuant to this chapter.

NEW SECTION. Sec. 39. (1) Each owner, operator, manager, or agent of a business must obtain and maintain a separate business license.

(2) An application for a business license must be made on a form provided by the department. The applicant shall provide: (a) The name, address, phone number, and date of birth of the applicant; (b) two passport-size color photographs of the applicant; (c) the applicant's principal occupation; (d) a description of the proposed establishment; (e) the nature of the proposed business; (f) the trade name of the proposed business; (g) location of the proposed business; (h) a list of all prior business license numbers; (i) a record of all prior criminal convictions for any offense listed under section 56(1) of this act; and (j) such other information as the department may require by rule.

(3) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 64 of this act.

(4) At the time of applying, the applicant shall post notice of the application at the proposed business location in a form and manner as required by the department by rule.

NEW SECTION. Sec. 40. (1) The department shall grant or refuse a business license in accordance with this chapter.

(2) Every business license shall be issued in the name of the applicant or applicants, and the holder of a license shall not allow any other person to use it.

(3) No business license may be issued to:

(a) An individual, partnership, or corporation, unless qualified to obtain a business license, as provided in this chapter;

(b) An applicant whose business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications as are required of the business licensee;

(c) A corporation, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington;

(d) An applicant who is under eighteen years of age;

(e) An applicant who has failed to provide information reasonably necessary for issuance of the business license or who has falsely answered a question or request for information on the application form; or

(f) An applicant who has proposed the location of the business within a zone where such use is prohibited by state or local authority.

(4) Upon receipt of an application for a business license, the department shall give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a business license within an incorporated city or town, or to the county legislative authority, if the application is for a business license outside the boundaries of incorporated cities or towns, or to all the appropriate executive officers in the case of a regional adult entertainment business plan. Upon the granting of a business license under this chapter the department shall send a duplicate of the license or written notification to the chief executive officer of the incorporated city or town in which the

license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns, or to all chief executive officers of impacted cities, towns, or counties participating in a regional adult entertainment business plan.

(5)(a) Except as set forth in (b) of this subsection, the department shall not issue an initial business license covering any premises, if at the time the initial license is to be issued the premises are within a buffer zone of one thousand feet surrounding any residential zone, single or multifamily dwelling, church, park, playground, day care center, or elementary or secondary school. The one thousand feet shall be measured on a straight line between the closest points of the property on which the premises are located and the property of the residential zone, dwelling, church, park, playground, day care center, or school. For the purpose of this section, church means a building erected for and used exclusively for religious worship and schooling or other activity in connection with the worship and schooling. The department may rely on the measurements of the relevant local jurisdictions in determining the boundaries of a buffer zone.

(b) The legislative authority of a city, town, or county:

(i) Shall establish a buffer zone less than that established in (a) of this subsection if an applicant submits adequate documentation supporting a variance from the buffer zone and the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be greater as a result of the smaller buffer zone or (B) that failure to establish a smaller buffer zone will effectively prohibit any adult entertainment business in the city, town, or county and there is no regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses; or

(ii) May establish a buffer zone greater than that established in (a) of this subsection if the legislative authority finds (A) that the adverse secondary effects of adult entertainment businesses on public health, safety, or welfare would not be reasonably and effectively mitigated without the larger buffer zone and (B) that establishing a larger buffer zone will not effectively prohibit any adult entertainment business in the city, town, or county, or that there is a regional agreement with neighboring cities, towns, or counties that provides adequate opportunities for such businesses.

(c) If the location requirements established pursuant to this chapter effectively preclude location of adult entertainment businesses within a city, town, or county, such city, town, or county shall join with neighboring cities, towns, or counties in a regional adult entertainment business location plan in order to provide reasonable opportunity for location of adult entertainment businesses in the regional area.

NEW SECTION. Sec. 41. (1) The department may, subject to the provisions of this chapter and as provided by rule, suspend or cancel a business license; and all rights of the licensee under this chapter shall be suspended or terminated, as the case may be.

(2) Upon receipt of notice of the suspension or cancellation of a business license, the licensee shall forthwith deliver the license to the department. Where the business license has been suspended only, the department shall return the license to the licensee at the expiration or termination of the period of suspension.

NEW SECTION. Sec. 42. (1) Every business license issued under this chapter is subject to all conditions and restrictions imposed by this chapter. All conditions and restrictions imposed by the department in the issuance of an individual business license shall be listed on the face of the individual license along with the trade name, address, and expiration date.

(2) Every business licensee shall post and keep posted its license in a conspicuous place on the premises.

NEW SECTION. Sec. 43. The department shall not issue a business license to a transferee until the transferee has applied for and received a business license under this chapter.

NEW SECTION. Sec. 44. (1)(a) At the time of the original issuance of a business license, the department shall prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.

(b) Unless canceled sooner, every business license issued by the department shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the department deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for business licenses. If such a system of staggered annual renewal dates is established by the department, the business license fees provided by this chapter shall be appropriately prorated during the first year that the system is in effect.

(2) The adult entertainment business license fee shall be established under RCW 43.24.086, but shall be at least seven hundred fifty dollars per annum, and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to a denial of the license by the department.

NEW SECTION. Sec. 45. (1) The holder of a business license may not assign or transfer the license, except that a transfer may be made to the surviving spouse of a deceased licensee if the transferor and transferee were maintaining a marital community and the license was issued in the name of one or both of them.

(2) A change in an owner or operator of a licensed business or a change in the manager or agent of a business must be reported to the department within thirty days, and any new owner, operator, manager, or agent must meet the requirements of section 40 of this act. The department shall charge a fee established under RCW 43.24.086 that is at least seventy-five dollars for the processing of a change in an owner, operator, manager, or agent.

NEW SECTION. Sec. 46. The department in suspending a business license may further provide in the order of suspension that such suspension shall be vacated upon payment to the department by the licensee of a monetary penalty in an amount fixed by the department but not to exceed ten thousand dollars.

NEW SECTION. Sec. 47. (1)(a) An application for a performer's license must be made on a form provided by the department. The performer shall provide the following: (i) The performer's name, including all aliases, address, phone number, and date of birth; (ii) two passport-size color photographs of the performer; (iii) principal occupation; (iv) the name and address of any business, if known, at which the performer will perform; (v) a list of all prior performer's license numbers; (vi) a record of all prior criminal convictions for any offense listed under section 56(1) of this act; and (v) such other information as the department may require by rule.

(b) The department shall require the applicant to submit to fingerprinting to assist the Washington state patrol in conducting a background check under section 64 of this act.

(c) Identifying information provided by an applicant under this subsection is exempt from public disclosure, and the department shall not disclose such information except to the extent necessary to carry out its responsibilities under this chapter, or to comply with a request from another governmental entity, or to comply with a court order.

(2) No performer's license may be issued to:

(a) A performer who is under eighteen years of age;

(b) A performer who has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(3) The performer's license fee shall be established under RCW 43.24.086, but shall be at least seventy-five dollars per annum and shall be paid at the time of application. One-half of the fee shall be refunded if the application is withdrawn prior to denial of the license by the department.

(4) Every performer shall keep his or her performer's license on the premises while performing.

NEW SECTION. Sec. 48. Every business licensed under section 40 of this act shall file monthly reports with the department pursuant to rule. The reports shall include the following: (1) The name, address, date of birth, and the performer's license number for all performers appearing nude or seminude during the month; and (2) such further information as the department may require.

NEW SECTION. Sec. 49. An action, order, or decision of the department as to a denial of an application for the issuance or renewal of a business or performer's license or as to a revocation, suspension, or modification of a license is subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing must be provided a licensee prior to a revocation or modification of a business or performer's license and, except as provided in subsection (3) of this section, prior to the suspension of a license.

(2) No hearing shall be required until demanded by the applicant or licensee.

(3) The department may summarily suspend a business or performer's license for a period of up to thirty days without a prior hearing if it finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined.

NEW SECTION. Sec. 50. No provision in this chapter limits the authority of cities, towns, and counties from further regulating adult entertainment businesses as to hours of operation, location of premises, or manner of operation.

The provisions of this chapter relating to the licensing of any adult entertainment business shall not be exclusive and any city, town, or county within whose jurisdiction the adult entertainment business is located may require any registrations or licenses, or charge any fee for the same or similar purpose; and nothing in this chapter shall limit or abridge the authority of any city, town, or county to levy and collect a general and nondiscriminatory license fee levied upon all businesses, or to levy a tax based upon gross business conducted by any firm within the city, town, or county.

NEW SECTION. Sec. 51. The director has the following authority:

(1) To adopt, amend, or repeal such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of conduct in violation of this chapter and to hold hearings as provided in this chapter;

(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(5) To compel attendance of witnesses at hearings;

(6) To take emergency action ordering summary suspension of a business or performer's license, or restriction or limitation of the licensee's practice pending further disciplinary action under section 56 of this act;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. However, the director or the director's designee shall make the final decision in the hearing;

(8) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(9) To grant or deny business or performer's license applications, and to impose any sanction against a license applicant or license holder provided by this chapter;

(10) To establish or increase in accordance with RCW 43.24.086 business and performer's license fees above the minimum set by this chapter;

(11) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(12) To designate individuals authorized to sign subpoenas and statements of charges; and

(13) To employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

NEW SECTION. Sec. 52. A person, including but not limited to a customer, licensee, corporation, organization, or state or local governmental agency, may submit a written complaint to the department charging a business or performer's license holder or applicant with a violation of this chapter. If the department determines that the complaint merits investigation, or if the department has reason to believe, without a formal complaint, that a license holder or applicant may have violated this chapter, the department may investigate to determine whether there has been a violation. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

NEW SECTION. Sec. 53. (1) If the department determines, upon investigation pursuant to section 52 of this act, that there is reason to believe a violation of this chapter has occurred, a statement of charge or charges may be prepared and served upon the business or performer's license holder or applicant. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the department within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, upon which the director or the director's designee may enter an order pursuant to RCW 34.05.440(1).

(2) If a hearing is requested, the time of the hearing shall be scheduled but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing.

NEW SECTION. Sec. 54. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings requested under section 53 of this act.

NEW SECTION. Sec. 55. (1) Upon a finding that a business or performer's license holder or applicant has engaged in conduct or violated conditions that are grounds for denial of a license or for disciplinary action under section 56 of this act, the director may issue an order providing for one or any combination of the following:

(a) Revocation of the license;

(b) Suspension of the license for a fixed or indefinite term;

(c) Censure or reprimand;

(d) Compliance with conditions of probation for a designated period of time;

(e) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation, which shall be paid to the department;

(f) Denial of the license request.

(2) Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

NEW SECTION. Sec. 56. The following conduct, acts, or conditions, constitute grounds for denial of a license or for disciplinary action against any business or performer's license holder or applicant under the jurisdiction of this chapter:

(1) With respect to a license holder, commission of an act that constitutes an obscenity or pornography offense under chapter 9.68 RCW, a sexual exploitation of children offense under chapter 9.68A RCW, an assault under chapter 9A.36 RCW, a sexual offense under chapter 9A.44 RCW, a prostitution or indecent exposure offense under chapter 9A.88 RCW, a drug offense under chapter 69.41, 69.50, 69.52, or 69.53 RCW, or a substantially similar ordinance adopted by the legislative authority of a city, town, or county or other state statute. Conviction in a criminal proceeding is not a condition precedent to disciplinary action under this section. Upon a conviction, however, the judgment and sentence is conclusive evidence at an ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes a plea of guilty or nolo contendere and also includes all sentence deferrals or suspensions;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in license reinstatement;

(3) All advertising that is false, fraudulent, or misleading;

(4) Failure to cooperate with the department in the conduct of an investigation by:

(a) Not furnishing any requested papers or documents;

(b) Not furnishing in writing a full and complete explanation regarding the matter under investigation; or

(c) Not responding to subpoenas issued by the director, whether or not the recipient of the subpoena is the subject of the investigation;

(5) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

(6) Aiding and abetting an unlicensed person to own or operate a business or to perform when a license is required;

(7) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the director or the director's authorized representative, or by the use of threats or harassment against any witness to prevent him or her from providing evidence in a disciplinary proceeding or any other legal action;

(8) Violating this chapter or any rule adopted pursuant to this chapter.

NEW SECTION. Sec. 57. (1) The director shall investigate complaints under this chapter concerning ownership or operation of a business without a license or performing without a license. In the investigation of the complaints, the director shall have the same authority as provided the director under section 51 of this act. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has owned or operated a business without a license, or has performed without a license, in violation of this chapter. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order before the notice and hearing. A cease and desist order does not relieve the person so owning or operating a business or performing without a license from criminal prosecution. The remedy of a cease and desist order is in addition to any criminal liability. A cease and desist order is conclusive proof of unlicensed practice and may be enforced through remedial sanctions under chapter 7.21 RCW. Enforcement of the cease and desist order under chapter 7.21 RCW may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(2) The attorney general, a county prosecuting attorney, the department, or any person may, in accordance with the law of this state governing injunctions, maintain an action to enjoin any person owning or operating a business, or performing, without a

license required by this chapter from continuing such ownership, operation, or performing until the required license is secured. However, an injunction does not relieve a person from criminal prosecution and the remedy by injunction is in addition to any criminal liability.

NEW SECTION. Sec. 58. A person or business that violates an injunction issued under this chapter shall pay a civil penalty, as determined by the court, of not more than twenty-five thousand dollars, which shall be paid to the department. For the purpose of this section, the superior court issuing any injunction shall retain jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 59. (1) The director or individuals acting on the director's behalf are immune from suit in any civil or criminal action based on any disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Legislative authorities or officials of cities, towns, and counties are immune from suit in any civil or criminal action based on any official acts performed in the course of their duties in the administration or enforcement of this chapter.

In any challenge to location, distance, or conduct requirements imposed by the legislative authority of a city, town, or county pursuant to this chapter, the legislative authority may request that the state assume some or all of the obligation to defend the constitutionality of this chapter. The attorney general may grant or deny the request. Nothing in this chapter creates any state liability for actions of a city, town, or county.

NEW SECTION. Sec. 60. Existing adult entertainment businesses are exempt from any location restrictions imposed by this chapter until January 1, 1995.

NEW SECTION. Sec. 61. It is a gross misdemeanor for any person to permit any person under the age of eighteen on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 62. It is a class C felony for any person to employ or permit any person under the age of eighteen to appear nude or seminude on the premises of any adult entertainment business under his or her control.

NEW SECTION. Sec. 63. Sections 36 through 62 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 64. A new section is added to chapter 43.43 RCW to read as follows:

The department of licensing may request information from the Washington state patrol criminal identification system regarding the conviction of offenses listed under section 56(1) of this act for any applicant or for a license holder who is the subject of an investigation under section 52 of this act.

Sec. 65. RCW 7.48A.040 and 1985 c 235 s 1 are each amended to read as follows:

(1) No person shall with knowledge maintain a moral nuisance.

(2) Upon a determination that a defendant has with knowledge maintained a moral nuisance, the court shall impose a civil fine and judgment of an amount as the court shall determine to be appropriate. In imposing the civil fine, the court shall consider the wilfulness of the defendant's conduct and the profits made by the defendant attributable to the lewd matter, lewdness, or prostitution, whichever is applicable. In no event shall the civil fine exceed the greater of ~~((twenty-five))~~ fifty thousand dollars or these profits.

NEW SECTION. Sec. 66. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 67. Sections 36 through 69 of this act shall take effect January 1, 1992. The department of licensing may take such steps before then, including the adoption of rules, as are necessary to ensure that sections 36 through 69 of this act are implemented on January 1, 1992.

NEW SECTION. Sec. 68. The municipal research council, created under chapter 43.110 RCW, in conjunction with the association of Washington cities, shall report to the legislature by January 1, 1993, regarding the implementation of the regulation of certain adult entertainment businesses as provided in sections 36 through 67 of this act. The report shall also examine the effectiveness of these provisions in reducing illegal activity on or near the adult entertainment businesses, and contain further suggested legislative enactments designed to reduce illegal activities associated with these businesses, including, but not limited to, obscenity, pornography, assaults, drug offenses, sexual offenses, and prostitution.

NEW SECTION. Sec. 69. The provisions of the open public meetings act, contained in chapter 42.30 RCW, shall apply to all meetings conducted by the governing body of a public agency regarding the regulation of adult entertainment businesses pursuant to sections 36 through 68 of this act.

Sec. 70. RCW 46.61.525 and 1979 ex.s. c 136 s 86 are each amended to read as follows:

(1) ~~It ((shall be))~~ is unlawful for any person to operate a motor vehicle in a negligent manner. For the purpose of this section to "operate in a negligent manner" ~~((shall be construed to mean))~~ means the operation of a vehicle in such a manner as to endanger or be likely to endanger any persons or property ~~((:—PROVIDED HOWEVER, That any)).~~ A person operating a motor vehicle on private property with the consent of the owner in a manner consistent with the owner's consent ((shall not be)) is not guilty of negligent driving.

~~((The offense of operating a vehicle in a negligent manner shall be considered to be))~~ (2)(a) A person who operates a motor vehicle in a negligent manner and while having intoxicating liquor or any drug in his or her system, but not in an amount sufficient to constitute a violation of RCW 46.61.502, is guilty of negligent driving in the first degree.

(b) Negligent driving in the first degree is a misdemeanor. Upon conviction of negligent driving in the first degree, a person may be punished by suspension of driving privileges for thirty days and a fine of up to five hundred dollars, but no imprisonment may be imposed. Whenever a person is convicted of negligent driving in the first degree, the clerk of the court in which the conviction occurred shall immediately notify the department of licensing of the conviction.

(c) The court shall order a diagnostic evaluation for any person convicted of negligent driving in the first degree. The evaluation and treatment recommendations shall be prepared by a treatment facility approved by the department of social and health services or a probation department qualified under RCW 46.61.516. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation the convicted person shall be required to complete a course in an information school approved by the department of social and health services or a more intensive treatment program as approved under chapter 70.96A RCW.

(d) The court shall suspend the thirty-day suspension of driving privileges if the convicted person is ordered to complete an information school or a more intensive treatment program. If the convicted person fails to successfully complete the school or program the court shall immediately notify the department of the failure. Upon receipt of such notice, the department shall suspend the person's privilege to drive for thirty days.

(3) A person who operates a motor vehicle in a negligent manner not amounting to negligent driving in the first degree is guilty of negligent driving in the second degree. Negligent driving in the second degree is a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of ((operating a vehicle in a)) negligent ((manner)) driving in the second degree. Any person violating ((the provisions of)) this ((section will be)) subsection is guilty of a

misdeemeanor: PROVIDED, That the director may not revoke any license under this ~~(section)~~ subsection, and such offense is not punishable by imprisonment or by a fine exceeding two hundred fifty dollars.

Sec. 71. RCW 46.61.515 and 1985 c 352 s 1 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not less than two hundred fifty dollars and not more than one thousand dollars. Unless the judge finds the person to be indigent, two hundred fifty dollars of the fine shall not be suspended or deferred. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. ~~((The court may impose conditions of probation that may include nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court.))~~ The court shall order a diagnostic evaluation ((and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency)) for any person convicted under RCW 46.61.502 or 46.61.504. The evaluation and treatment recommendations shall be prepared by a treatment facility approved by the department of social and health services or a ((qualified)) probation department ((approved by the department of social and health services)) qualified under RCW 46.61.516. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation ~~((the court shall determine whether))~~ the convicted person shall be required to complete a course in an ~~((alcohol))~~ information school approved by the department of social and health services or a more intensive treatment ~~((in a))~~ program as approved ((by the department of social and health services)) under chapter 70.96A RCW. Standards for approval for alcohol treatment programs under this chapter shall be prescribed by rule under the administrative procedure act, chapter 34.05 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not less than five hundred dollars and not more than two thousand dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. Unless the judge finds the person to be indigent, five hundred dollars of the fine shall not be suspended or deferred. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by ~~((an alcoholism agency))~~ a treatment facility approved by the department of social and health services or a ~~((qualified))~~ probation department ~~((approved by the department of social and health services))~~ qualified under RCW 46.61.516. The report shall be forwarded to the department of

licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved ~~((alcoholism))~~ treatment facility ~~((or approved drug treatment center))~~.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. ~~((The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.))~~

(3) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated ~~((alcoholism agency))~~ treatment facility or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be revoked by the department for one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated ~~((alcoholism agency))~~ treatment facility or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

(4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

(5) For purposes of determining punishment under subsection (2) or (3) of this section, a prior conviction for negligent driving in the first degree shall be treated the same as a prior conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

NEW SECTION. Sec. 72. A new section is added to chapter 35.21 RCW to read as follows:

Each city and town, including a code city, that plans and zones must authorize the siting of schools in all areas within its planning jurisdiction by either outright permitted use or conditional use permits.

Sec. 73. RCW 35.20.270 and 1977 ex.s. c 108 s 1 are each amended to read as follows:

(1) The position of warrant ~~((server))~~ officer is hereby created and maintained by the city either within the courts created by chapter 35.20 RCW or within the city police department. The number and qualifications of said warrant ~~((servers))~~ officers shall be fixed by ordinance, and their compensation shall be paid by the city.

(2) Said warrant ~~((servers))~~ officers shall be vested only with the special authority to make arrests authorized by ~~((the))~~ warrants ~~((which they have been directed to serve by courts created by chapter 35.20 RCW))~~ and for crimes committed coincidental to warrant service.

(3) All criminal and civil process issuing out of courts created under this title shall be directed to the chief of police of the city served by the court and/or to the sheriff of the county in which the court is held and/or the warrant (~~(servers of the court)~~) officers and be by them executed according to law in any county of this state.

(4) No process of courts created under this title shall be executed outside the corporate limits of the city served by the court unless the person authorized by said process shall first contact the applicable law enforcement agency in whose jurisdiction the process is to be served.

(5) Upon a defendant being arrested in another city or county the cost of arresting or serving process thereon shall be borne by the court issuing said process including the cost of returning the defendant from any county of the state to the city.

(6) Said warrant (~~(servers)~~) officers shall not be entitled to death, disability or retirement benefits pursuant to chapter 41.26 RCW on the basis of service as a warrant (~~(server)~~) officer as described in this section.

NEW SECTION. Sec. 74. Section 73 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect June 1, 1991.

NEW SECTION. Sec. 75. Section headings as used in this act do not constitute any part of the law.

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 29.18.022, 29.30.025, 29.21.010, 29.30.040, 35.02.020, 35.02.090, 35.06.020, 35.06.030, 35.06.050, 35.24.020, 35.24.180, 35.24.190, 35.27.010, 35.27.070, 35.27.130, 35.27.270, 35.27.280, 35A.12.010, 35A.39.010, 41.08.040, 41.12.040, 42.17.310, 54.08.010, 54.08.070, 54.08.080, 35.02.078, 35.14.010, 70.44.040, 7.48A.040, 46.61.525, 46.61.515, and 35.20.270; adding new sections to chapter 35.21 RCW; adding a new section to chapter 35.10 RCW; adding a new section to chapter 35A.14 RCW; adding a new section to chapter 43.43 RCW; adding a new chapter to Title 18 RCW; creating new sections; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

POINT OF ORDER

Mr. Anderson: Thank you, Mr. Speaker. I would request that you rule on the scope and object of the Senate amendments to Substitute House Bill No. 1275.

The Speaker resumed the Chair.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute House Bill No. 1275, an act relating to local government. It contains a number of provisions relating to local government which resolve minor conflicts between general laws and laws pertaining to specific units of local government. It also deletes certain obsolete language. The purpose of this bill was clearly a cleanup of that local government statute.

The Senate amendment contains several provisions including adding a new chapter to Title 36 RCW, authorizing elected community councils giving them

authority to adopt comprehensive plans and zoning ordinances, and adding a new chapter to Title 18 RCW, regulating adult entertainment businesses. The Speaker finds that the amendment did not perfect but significantly broadens the scope and object of the original bill. I find, Representative Anderson, that your point of order is well taken. It is outside the scope and object of the original bill.

The Speaker called on Representative R. Meyers to preside.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendments to Substitute House Bill No. 1275 and ask the Senate to recede therefrom. The motion was carried.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1885, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SHB 1885

April 27, 1991

Includes "New Item": YES

Creating the teachers recruiting future teachers program.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1885, Teachers recruiting teachers, have had the same under consideration and we recommend that:

The Senate Committee on Education striking amendment(s) not be adopted; and

That the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The teachers recruiting future teachers program is created within the office of the superintendent of public instruction to help enlarge the pool of qualified high school students who are motivated to become teachers.

(2) Subject to funds being appropriated, the superintendent of public instruction shall:

(a) Promote and replicate the teachers recruiting future teachers model program; and

(b) Promote and expand the annual education week program on the campus of Central Washington University or on the campuses of other interested state institutions of higher education.

(3) The superintendent of public instruction, working with the executive director of the teachers recruiting future teachers program and the director of the education week program at Central Washington University, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of this section.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; and creating a new section." and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Craswell, Oke; Representatives G. Fisher, Roland, Neher.

MOTION

Mr. G. Fisher moved that the House adopt the Report of Conference Committee on Substitute House Bill No. 1885.

Representatives G. Fisher and Neher spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1885 as recommended by Conference Committee.

Representatives Roland and Neher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1885 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Berozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen,

Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1885 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

The Speaker declared the House to be at ease. The Speaker called the House to order.

MESSAGES FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate has concurred in the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5418, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5670, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1629,
HOUSE BILL NO. 1642,
SECOND SUBSTITUTE HOUSE BILL NO. 1671,
SUBSTITUTE HOUSE BILL NO. 1710,
HOUSE BILL NO. 1757,
SUBSTITUTE HOUSE BILL NO. 1828,
HOUSE BILL NO. 1853,
SUBSTITUTE HOUSE BILL NO. 1936,
HOUSE BILL NO. 1991,

SUBSTITUTE HOUSE BILL NO. 1993,
 SUBSTITUTE HOUSE BILL NO. 2048,
 SUBSTITUTE HOUSE BILL NO. 2056,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1401,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938,
 ENGROSSED HOUSE BILL NO. 2093.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5395, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Locke moved that the House insist on its position regarding the House amendments to Engrossed Substitute Senate Bill No. 5395 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Ebersole, Locke and Silver as conferees on Engrossed Substitute Senate Bill No. 5395.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120,
 HOUSE BILL NO. 1355,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,
 SUBSTITUTE HOUSE BILL NO. 1954,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960,
 SUBSTITUTE HOUSE BILL NO. 2050,
 ENGROSSED HOUSE BILL NO. 2141,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 4012,
 SUBSTITUTE SENATE BILL NO. 5010,

SENATE BILL NO. 5147,
SENATE BILL NO. 5170,
SUBSTITUTE SENATE BILL NO. 5613,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5756,
ENGROSSED SENATE BILL NO. 5824,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5010,
SENATE BILL NO. 5147,
SENATE BILL NO. 5170,
SUBSTITUTE SENATE BILL NO. 5613,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5756,
ENGROSSED SENATE BILL NO. 5824.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5411, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wineberry moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5411 be returned to second reading for purpose of amendment. The motion was carried.

Mr. R. Johnson moved adoption of the following amendment by Representatives R. Johnson, Wynne and Belcher:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Floods pose threats to public health and safety including loss or endangerment to human life; damage to homes; damage to public roads, highways, bridges, and utilities; interruption of travel, communication, and commerce; damage to private and public property; degradation of water quality; damage to fisheries, fish hatcheries, and fish habitat; harm to livestock; destruction or degradation of environmentally sensitive areas; erosion of soil, stream banks, and beds; and harmful accumulation of soil and debris in the beds of streams or other bodies of water and on public and private lands;

(b) Alleviation of flood damage to property and to public health and safety is a matter of public concern;

(c) Many land uses alter the pattern of runoff by decreasing the ability of upstream lands to store waters, thus increasing the rate of runoff and attendant downstream impacts; and

(d) Prevention of flood damage requires a comprehensive approach, incorporating storm water management and basin-wide flood damage protection planning.

(2) County legislative authorities are encouraged to use and coordinate all the regulatory, planning, and financing mechanisms available to those jurisdictions to address the problems of flooding in an equitable and comprehensive manner.

(3) It is the intent of the legislature to develop a coordinated and comprehensive state policy to address the problems of flooding and the minimization of flood damage.

NEW SECTION. Sec. 2. The purpose of sections 3 through 13 of this act is to permit counties in cooperation and consultation with cities and towns to adopt a comprehensive system of flood control management and protection within drainage basins and to coordinate the flood control activities of the state, counties, cities, towns, and special districts within such drainage basins.

NEW SECTION. Sec. 3. A new section is added to chapter 86.12 RCW to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; and,

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW.

A comprehensive flood control management plan shall be subject to the minimum requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific flood plain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to flood plain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 86.12 RCW to read as follows:

A comprehensive flood control management plan that includes an area within which a city or town, or a special district subject to chapter 85.38 RCW, is located shall be developed by the county with the full participation of officials from the city, town, or special district, including conservation districts, and appropriate state and federal agencies. Where a comprehensive flood control management plan is being prepared for a river basin that is part of the common boundary between two counties, the county legislative authority of the county preparing the plan may allow participation by officials of the adjacently located county.

Following adoption by the county, city, or town, a comprehensive flood control management plan shall be binding on each jurisdiction and special district that is located within an area included in the plan. If within 120 days of the county's adoption, a city or town does not adopt the comprehensive flood control management plan, the city or county shall request arbitration on the issue(s) in dispute. If parties cannot agree to the selection of an arbitrator, the arbitrator shall be selected according to the process described in RCW 7.04.050. The cost of the arbitrator shall be shared equally by the participating parties and the arbitrator's decision shall be binding. Any land use regulations and restrictions on construction activities contained in a comprehensive flood control management plan applicable to a city or town shall be minimum standards that the city or town may exceed. A city or town undertaking flood or stormwater control activities consistent with the comprehensive flood control management plan shall retain authority over such activities.

NEW SECTION. Sec. 5. A new section is added to chapter 86.12 RCW to read as follows:

A county may create one or more advisory committees to assist in the development of proposed comprehensive flood control management plans and to provide general advice on flood problems. The advisory committees may include city and town officials, officials of special districts subject to chapter 85.38 RCW, conservation districts, appropriate state and federal officials, and officials of other counties and other interested persons.

Sec. 6. RCW 86.26.050 and 1988 c 36 s 64 are each amended to read as follows:

(1) State participation shall be in such preparation of comprehensive flood control management plans under this chapter and chapter 86.12 RCW, cost sharing feasibility studies for new flood control projects, projects pursuant to section 33 of this act, and flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto.

(2) No participation for flood control maintenance projects may occur with a county or other municipal corporation unless the director of ecology has approved the flood plain management activities of the county, city, or town having planning jurisdiction over the area where the flood control maintenance project will be, on the one hundred year flood plain surrounding such area.

The department of ecology shall adopt rules concerning the flood plain management activities of a county, city, or town that are adequate to protect or preclude flood damage to structures, works, and improvements, including the restriction of land uses within a river's meander belt or floodway to only flood-compatible uses. Whenever the department has approved county, city, and town flood plain management activities, as a condition of receiving an allocation of funds under this chapter, each revision to the flood plain management activities must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife.

No participation with a county or other municipal corporation for flood control maintenance projects may occur unless the county engineer of the county within which

the flood control maintenance project is located certifies that a comprehensive flood control management plan has been completed and adopted by the appropriate local authority, or is being prepared for all portions of the river basin or other area, within which the project is located in that county, that are subject to flooding with a frequency of one hundred years or less.

(3) Participation for flood control maintenance projects and preparation of comprehensive flood control management plans shall be made from grants made by the department of ecology from the flood control assistance account. Comprehensive flood control management plans, and any revisions to the plans, must be approved by the department of ecology, in consultation with the department of fisheries and the department of wildlife. The department may only grant financial assistance to local governments that, in the opinion of the department, are making good faith efforts to take advantage of, or comply with, federal and state flood control programs.

Sec. 7. RCW 86.26.090 and 1984 c 212 s 7 are each amended to read as follows:

The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. State participation in the repair of flood control facilities may include the enhancement of such facilities. The state shall likewise participate in the restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. Funds from the flood control assistance account shall not be available for maintenance of works or structures maintained solely for the detention or storage of flood waters.

Sec. 8. RCW 86.26.100 and 1986 c 46 s 4 are each amended to read as follows:

State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of ecology and the legislative authority of the county submitting the request, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project, to include project planning and design. Grants for cost sharing feasibility studies for new flood control projects shall not exceed fifty percent of the matching funds that are required by the federal government, and shall not exceed twenty-five percent of the total costs of the feasibility study. However, grants to prepare a comprehensive flood control management plan required under RCW 86.26.050 shall not exceed seventy-five percent of the full planning costs, but not to exceed amounts for either purpose specified in rule and regulation by the department of ecology.

NEW SECTION. Sec. 9. A new section is added to chapter 86.15 RCW to read as follows:

A board may not establish a zone including an area located in another zone unless this area is removed from the other zone, or the other zone is dissolved, as part of the action creating the new zone.

Sec. 10. RCW 86.15.178 and 1983 c 315 s 23 and 1983 c 167 s 212 are each reenacted to read as follows:

(1) The supervisors may authorize the issuance of revenue bonds to finance any flood control improvement or storm water control improvement. The bonds may be issued by the supervisors in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. The bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may be in any form, including bearer bonds or registered bonds.

Each revenue bond shall state on its face that it is payable from a special fund, naming the fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement or storm water control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 11. RCW 86.16.110 and 1987 c 109 s 23 are each reenacted and amended to read as follows:

Any person, association, or corporation, public, municipal, or private, feeling aggrieved at any order, decision, or determination of the department or director pursuant to this chapter, affecting his or her interest, may have the same reviewed pursuant to RCW 43.21B.310.

NEW SECTION. Sec. 12. The department of fisheries and the department of wildlife shall process hydraulic project applications submitted under RCW 75.20.100 or 75.20.103 within thirty days of receipt of the application. This requirement is only applicable for the repair and reconstruction of legally constructed dikes, seawalls, and other flood control structures damaged as a result of flooding or windstorms that occurred in November and December 1990.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- (1) RCW 86.15.040 and 1961 c 153 s 4;
- (2) RCW 86.16.027 and 1987 c 109 s 51 & 1935 c 159 s 9;
- (3) RCW 86.16.030 and 1987 c 109 s 52 & 1935 c 159 s 5;
- (4) RCW 86.16.040 and 1987 c 109 s 54 & 1935 c 159 s 11;
- (5) RCW 86.16.060 and 1987 c 109 s 55 & 1935 c 159 s 13;
- (6) RCW 86.16.065 and 1987 c 109 s 56 & 1935 c 159 s 14;
- (7) RCW 86.16.067 and 1987 c 109 s 57, 1985 c 469 s 86, & 1935 c 159 s 15;
- (8) RCW 86.16.070 and 1987 c 109 s 58 & 1935 c 159 s 16;
- (9) RCW 86.16.080 and 1987 c 109 s 59 & 1935 c 159 s 10;
- (10) RCW 86.16.090 and 1987 c 109 s 60, 1939 c 85 s 2, & 1935 c 159 s 7; and
- (11) RCW 86.16.170 and 1987 c 109 s 62 & 1973 c 75 s 3.

NEW SECTION. Sec. 14. There is hereby created a joint select committee on state flood damage reduction composed of sixteen members as follows: (1) Four members of the senate, two from each of the major caucuses, who are appointed by the president of the senate; (2) four members of the house of representatives, two from each of the major caucuses, who are appointed by the speaker of the house of representatives; and, (3) eight additional members who are not legislators selected by the president of the senate and the speaker of the house.

The staff support shall be provided by the senate committee services and the office of program research as mutually agreed by the cochairs of the joint select committee. The cochairs shall be designated by the speaker of the house of representatives and the president of the senate.

The committee may seek assistance from appropriate state or federal agencies, including the United States army corp of engineers. The expenses of the legislative members shall be paid by the legislature. The expenses of any state agency officials, or their designees, shall be paid by their state agencies. Members not employed by the state shall be compensated in accordance with RCW 43.03.220 and shall be entitled to

reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 15. The joint select committee on state flood damage reduction shall consider the development of comprehensive state flood policies and a comprehensive and coordinated flood damage reduction plan, including the following elements:

- (1) Structural and nonstructural flood damage reduction projects;
- (2) Forest practice effects on watershed hydraulics as determined by applicable research projects conducted under the timber-fish-wildlife cooperative monitoring, evaluation, and research program, including: (a) Percentage of watershed clearcut; (b) logging in very steep areas; and (c) logging in slide-prone areas;
- (3) Growth management and land uses, including: (a) Flood plain development patterns; (b) loss of potential natural flood water storage areas; (c) future development restrictions in flood-prone areas; and (d) coordination with the state's growth management act and county flood comprehensive planning;
- (4) Comprehensive watershed and flood damage management;
- (5) Storm water runoff pattern alterations and accompanying liabilities, including an analysis of: (a) Increases in peak flood flows caused by inadequate storm water planning and controls; (b) the need for minimum standards for land use development activities employing natural watercourses for storm water conveyance; and (c) the need for a statutory cause of action to provide a remedy for downstream property owners who are damaged by accelerated storm water runoff caused by cumulative upstream activities, including a modification of the court-adopted "common enemy" doctrine;
- (6) Analysis of the federal, state, and local permitting requirements necessary for projects designed to reduce future flood damage or to restore areas damaged by floods, including any conflicting requirements that may exist;
- (7) Emergency work and coordination, and emergency preparedness planning;
- (8) Determination of the need for requirements to disclose the flood hazard to purchasers or renters of flood-prone property;
- (9) The role of dredging in flood damage reduction, including environmental effects, funding sources, and upstream uses that alter its effectiveness;
- (10) The role of dikes and levees in flood damage reduction, including environmental effects, construction and maintenance standards, sources of funding for construction and maintenance, and resultant upstream and downstream hydrologic effects;
- (11) Review criteria for evaluating and approving local plans and projects funded by grants from the flood control account; and
- (12) Public acquisition of properties to reduce flood damage.

NEW SECTION. Sec. 16. The joint select committee on state flood damage reduction shall report its initial findings to the legislature on or before December 31, 1991. The committee shall make a final report to the legislature on or before December 1, 1992. The report shall include the following: (1) Findings relating to a state flood damage reduction plan; (2) recommended state agency regulation and policy changes; (3) proposed legislation and associated costs to implement the state flood damage reduction plan; and (4) recommended local flood reduction and mitigation measures.

NEW SECTION. Sec. 17. A new section is added to chapter 86.16 RCW to read as follows:

Local governments that have adopted flood plain management regulations pursuant to this chapter shall include provisions that allow for the establishment of livestock flood sanctuary areas at a convenient location within a farming unit that contains domestic livestock. Local governments may limit the size and configuration of the livestock flood sanctuary areas, but such limitation shall provide adequate space for the expected number of livestock on the farming unit and shall be at an adequate elevation to protect livestock. Modification to flood plain management regulations required pursuant to this section shall

be within the minimum federal requirements necessary to maintain coverage under the national flood insurance program.

NEW SECTION. Sec. 18. A new section is added to chapter 75.20 RCW to read as follows:

Whenever the placement of woody debris is required as a condition of a hydraulic permit approval issued pursuant to RCW 75.20.100 or 75.20.103, the department of fisheries and the department of wildlife, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

NEW SECTION. Sec. 19. The department of fisheries, the department of wildlife, and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 75.20.100 and 75.20.103 are met.

Sec. 20. RCW 38.52.030 and 1986 c 266 s 25 are each amended to read as follows:

(1) The director may employ such personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

(2) The director, subject to the direction and control of the governor, shall be responsible to the governor for carrying out the program for emergency management of this state. The director shall coordinate the activities of all organizations for emergency management within the state, and shall maintain liaison with and cooperate with emergency management agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(3) The director shall develop and maintain a comprehensive, all-hazard emergency plan for the state which shall include an analysis of the natural and man-caused hazards which could affect the state of Washington, and shall include the procedures to be used during emergencies for coordinating local resources, as necessary, and the resources of all state agencies, departments, commissions, and boards. The comprehensive emergency management plan shall direct the department in times of state emergency to administer and manage the state's emergency operations center. This will include representation from all appropriate state agencies and be available as a single point of contact for the authorizing of state resources or actions, including emergency permits. The comprehensive, all-hazard emergency plan authorized under this subsection may not include preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack. This plan shall be known as the comprehensive emergency management plan.

(4) In accordance with the comprehensive emergency management plans and the programs for the emergency management of this state, the director shall procure supplies and equipment, institute training programs and public information programs, and shall take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need.

(5) The director shall make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for emergency management, and shall plan for the most efficient emergency use thereof.

(6) The director may appoint a communications coordinating committee consisting of six to eight persons with the director, or his or her designee, as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall

be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment. This committee shall advise the director on all aspects of the communications and warning systems and facilities operated or controlled under the provisions of this chapter.

(7) The director shall appoint a state coordinator of search and rescue operations to coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and on request to maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

(8) The director, subject to the direction and control of the governor, shall prepare and administer a state program for emergency assistance to individuals within the state who are victims of a natural or man-made disaster, as defined by RCW 38.52.010(6). Such program may be integrated into and coordinated with disaster assistance plans and programs of the federal government which provide to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of assistance to individuals affected by a disaster. Further, such program may include, but shall not be limited to, grants, loans, or gifts of services, equipment, supplies, materials, or funds of the state, or any political subdivision thereof, to individuals who, as a result of a disaster, are in need of assistance and who meet standards of eligibility for disaster assistance established by the department of social and health services: PROVIDED, HOWEVER, That nothing herein shall be construed in any manner inconsistent with the provisions of Article VIII, section 5 or section 7 of the Washington state Constitution.

(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director.

NEW SECTION. Sec. 21. A new section is added to chapter 75.20 RCW to read as follows:

The department of fisheries, the department of wildlife, the department of ecology, and the department of natural resources shall jointly develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommends ways to best proceed through the various regulatory permitting processes.

NEW SECTION. Sec. 22. (1) This section shall apply only to projects:

(a) Needed to repair streambank and other damage done by the November or December 1990, flood events, or remove accumulated debris and gravel that significantly contributed to flooding during the November and December 1990, flood events; and

(b) That require permits or other authorization for removal of valuable materials as defined in RCW 79.90.060 or permits or authorization under RCW 75.20.100 or 75.20.103.

(2) The department of fisheries, the department of wildlife, and the department of natural resources shall expedite and coordinate any required responses to the project application. A complete application for approval shall contain general plans for the overall project, and complete plans and specifications of the proposed construction or work. Upon receipt of a completed application, the agency that first receives that application shall, within fifteen days, schedule and hold a coordination meeting with all appropriate state, local, or county permitting or authorizing agencies. The project applicant shall be invited to this meeting. The appropriate city, county, or town may coordinate their permit approval processes with the state agencies. As soon as possible, but no later than thirty days after the receipt of a complete application, all appropriate state agencies will deny or approve the project. Any conditions placed upon project approvals shall be coordinated among the state agencies so that those conditions do not conflict.

(3) It is the intent of the legislature that the process described in this section remain in effect until the legislature has an opportunity to enact legislation creating a coordinated, timely permitting process based on the report required in section 16 of this act. This section shall expire on June 30, 1993.

Sec. 23. RCW 36.70A.150 and 1990 1st ex.s. c 17 s 15 are each amended to read as follows:

Each county and city that is required or chooses to prepare a comprehensive land use plan under RCW 36.70A.040 shall identify lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and the cities within its borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed.

The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

Sec. 24. RCW 79.90.130 and 1982 1st ex.s. c 21 s 19 are each amended to read as follows:

~~(Valuable materials situated within or upon tidelands, shorelands, or the beds of navigable waters belonging to the state may be sold separately from the land, when in the judgment of the department of natural resources, it is in the best interests of the state to sell the same. When application is made for the purchase of any valuable material, situated within or upon aquatic lands, the department shall inspect and appraise the value of the material applied for: PROVIDED, That no valuable material shall be sold for less than the appraised value thereof: PROVIDED FURTHER, That)~~ The department is authorized and empowered to confer with and enter into any agreements with the public authorities of the state of Oregon, which in the judgment of the department will assist the state of Washington and the state of Oregon in securing the maximum revenues for sand, gravel or other valuable materials taken from the bed of the Columbia river where said river forms the boundary line between said states.

Sec. 25. RCW 79.90.150 and 1982 1st ex.s. c 21 s 21 are each amended to read as follows:

When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, or for preventing or minimizing flood damages as defined in RCW 86.16.120, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the federal government, state, or any municipality, county, city, town, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural

resources to be for a public purpose. Prior to removal and use, the federal agency, state agency, municipality, county, city, town, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: PROVIDED, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of the material obtained under the provisions of this chapter when used solely on an authorized site. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law. For the purpose of this section, "public purpose" includes, but is not limited to, the construction, maintenance, improvement, or repair of any public street, road, highway, dike, levee, or project undertaken pursuant to chapter 86.26 RCW.

Sec. 26. RCW 79.90.300 and 1982 1st ex.s. c 21 s 36 are each amended to read as follows:

The department of natural resources, upon application by any person or when determined by the department to be in the best interest of the state, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand, and silt, or other valuable materials located within or upon beds of navigable waters, or upon any tidelands or shorelands belonging to the state and providing for payment to be made therefor by such royalty as the department may fix, by negotiation, by sealed bid, or at public auction. If application is made for the purchase of any valuable material situated within or upon aquatic lands the department shall inspect and appraise the value of the material in the application.

NEW SECTION. Sec. 27. RCW 79.01.135 is recodified as a section in chapter 79.90 RCW.

NEW SECTION. Sec. 28. RCW 79.90.140 and 1982 1st ex.s. c 21 s 20 are each repealed.

Sec. 29. RCW 47.28.140 and 1984 c 7 s 174 are each amended to read as follows:

When in the opinion of the governing authorities representing the department and any agency, instrumentality, municipal corporation, or political subdivision of the state of Washington, any highway, road, or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving, or maintaining, or by the establishment adjacent to, under, upon, within, or above any portion of any such highway, road, or street of an urban public transportation system, by either the department or any agency, instrumentality, municipal corporation, or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform the work or improvement in the first instance. The work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from any project that assists in preventing or minimizing flood damages as defined in RCW 86.16.120 or from the construction of any public works project, including any urban public transportation system, the department may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation, or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of the particular public works project.

Sec. 30. RCW 75.20.100 and 1988 c 272 s 1 and 1988 c 36 s 33 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in section 12 and 22 of this act, ((F))the department of fisheries or the department of wildlife shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of wildlife shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of wildlife denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and RCW 75.20.103, "bed" shall mean the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase "to construct any form of hydraulic project or perform other work" shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall

administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of wildlife, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 75.20.103.

Sec. 31. RCW 75.20.103 and 1988 c s 2 and 1988 c 36 s 34 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. Except as provided in sections 12 and 22 of this act, ((F))the department of fisheries or the department of wildlife shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of wildlife shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the

streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of wildlife denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department of fisheries or the department of wildlife to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department granting approval may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department issuing the approval to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department that issued the approval may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of wildlife as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For each application, the department of fisheries and the department of wildlife shall mutually agree on whether the department of fisheries or the department of wildlife shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of wildlife receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of wildlife, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

Sec. 32. RCW 90.58.100 and 1971 ex.s c 286 s 10 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. Sec. 33. (1) The purpose of this section is to develop, and test on a pilot basis, a cooperative, interjurisdictional approach to processing permit applications for projects related to flood control. The objectives of the pilot shall be to:

(a) (i) Identify opportunities and methods for expediting and coordinating permit decision making processes that involve multiple jurisdictions and state agencies; and (ii) assess the effects of acting in a coordinated and expedited manner; and

(b) (i) Identify opportunities during the permit decision making process for state agencies and local governments to consider potential flood control benefits consistent with the policies, mandates, and requirements of current law; (ii) Identify where in the permitting process, impediments to the consideration of potential flood control benefits exist; and, (iii) Assess how the consideration of any potential flood control benefits of an individual project during the permitting process for that project, may or may not be compatible with the objective of comprehensive and coordinated flood control.

(2) The pilot shall consist of up to one project in each of the counties declared a federal disaster area as a result of the November and December, 1990 floods.

(3) (a) The departments of ecology, wildlife, fisheries and natural resources shall participate in the pilot. The department of ecology shall act as the lead agency among the state agencies and shall coordinate among the state agencies as necessary.

(b) The department of ecology shall notify each of the eligible counties of the pilot, describe the nature of the pilot, and invite county participation. When a county, eligible to participate in the pilot, receives an application for a project that will require permits or authorizations from multiple jurisdictions, and in the county's judgment the proposed project offers an appropriate opportunity to test the permitting process under subsection (1) of this section, the county, with the approval of the project applicant, may request that the department of ecology include the project as part of the pilot. The department of ecology shall make a decision on the county's request and inform the county of its decision within seven working days.

In selecting projects for the pilot, the department of ecology shall provide an opportunity to test and evaluate a variety of applications of subsection (1) of this section, including, but not limited to: application to storm water management, dredging, streambank stabilization, and dike construction or repair. When the county receives notification that a project has been approved for inclusion in the pilot, the county shall schedule an initial coordination meeting and contact all appropriate agencies and the project applicant. Other local jurisdictions, including but not limited to cities, diking districts, and flood management districts, shall be invited to participate when a project is selected for inclusion in the pilot and those jurisdictions have a role in the permitting process.

The purpose of the coordination meeting shall be to:

(i) Identify all necessary permit requirements;

(ii) Determine the sequence of permitting decisions and opportunities where those decisions can be made concurrently;

(iii) Determine a timeline for the decisions and how those decisions can be expedited; and

(iv) Work with the applicant to make sure that he or she understands how the process will work, what the applicant is responsible for, and when those responsibilities must be met in order to adhere to the overall permitting timeline.

(4) The department of ecology shall determine the number of projects to be included in the pilot based on available funding in the flood control assistance account. The department shall authorize flood control assistance account funding for a minimum of three projects.

(5) The department of ecology, in cooperation with the participating counties, other participating local jurisdictions, and state agencies, shall submit a final report on the pilot to the appropriate committees of the legislature by December 1, 1992. The report shall include an assessment of the degree to which the pilot project achieved the objectives identified in subsection (1) of this section.

NEW SECTION. Sec. 34. Section 22 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Representatives R. Johnson and Wynne spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives R. Johnson, Wynne and Belcher was adopted:

On page 1, line 1 of the title, after "damage;" strike the remainder of the title and insert "amending RCW 86.26.050, 86.26.090, 86.26.100, 38.52.030, 36.70A.150, 79.90.130, 79.90.150, 79.90.300, 47.28.140, 75.20.100, 75.20.103, and 90.58.100; reenacting and amending RCW 86.16.110; reenacting RCW 86.15.178; recodifying RCW 79.01.135; adding new sections to chapter 86.12 RCW; adding a new section to chapter 86.15 RCW; adding a new section to chapter 86.16 RCW; adding new sections to chapter 75.20 RCW; repealing RCW 79.90.140, 86.15.040, 86.16.027, 86.16.030, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.090, and 86.16.170; creating new sections; and declaring an emergency."

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Ms. Belcher yielded to question by Ms. Rust.

Ms. Rust: Representative Belcher, is it your intent to include in the expedited permit process in Section 22 projects that are substantial development under the Shoreline Management Act?

Ms. Belcher: No, Representative Rust. Any project that is a substantial development under the Shoreline Management Act would follow current statutory process.

Representatives Wynne and P. Johnson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5411 as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5411 as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate has reconsidered the vote by which it adopted the 2nd report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1956, did not adopt the 2nd report of the Conference Committee, refuses to recede from its original amendments and asks the House to concur therein, and the same is herewith transmitted.

Gordon A. Golob, Secretary.

MOTION

Ms. Rayburn moved that the House do concur in the Senate amendments to Substitute House Bill No. 1956. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1956 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1956 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson,

Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1956 as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Wineberry, House Rule 26 was suspended to allow consideration of Substitute House Bill No. 1201, Engrossed Substitute House Bill No. 1341, Engrossed Substitute House Bill No. 2026 and Engrossed Substitute Senate Bill No. 5555.

MOTION

On motion of Ms. Bowman, Representative Holland was excused.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1201, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

SHB 1201

April 26, 1991

Includes "New Item": YES

Removing references to county classes.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1201, County class references, have had the same under consideration and we recommend that:

The Senate Committee on Governmental Operations striking amendment(s) not be adopted; and

That the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purposes of this act are to eliminate the use of formal county classes and substitute the use of the most current county population figures to distinguish counties. In addition, certain old statutes that reference county class, but no longer are followed, are repealed or amended to conform with current practices.

Sec. 2. RCW 2.32.180 and 1990 c 186 s 3 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the judge's court (~~held on by him~~) who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1, chapter 323, Laws of 1987, the additional superior court judge authorized by section 1, chapter 66, Laws of 1988, the additional superior court judges authorized by sections 2 and 3, chapter 328, Laws of 1989, or the additional superior court judges authorized by sections 1 and 2, chapter 186, Laws of 1990. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he or she is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each (~~class AA~~) county with a population of one million or more shall be made by the majority vote of the judges in said county acting en banc; the appointments in (~~class A counties and counties of the first class~~) each county with a population of from one hundred twenty-five thousand to less than one million may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him or her, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his or her duties shall take an oath to perform faithfully the duties of his or her office, and file a bond in the sum of two thousand dollars for the faithful discharge of his or her duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

Sec. 3. RCW 2.32.280 and 1957 c 244 s 5 are each amended to read as follows:

In all counties or judicial districts, except in (~~class AA counties and class A counties and counties of the first class~~) any county with a population of one hundred twenty-five thousand or more, such official reporter shall act as amanuensis to the court for which he or she is appointed.

Sec. 4. RCW 3.30.020 and 1987 c 202 s 110 are each amended to read as follows:

The provisions of chapters 3.30 through 3.74 RCW shall apply to (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more; PROVIDED, That any city having a population of more than (~~five~~) four hundred thousand may by resolution of its legislative body elect to continue to operate a municipal court pursuant to the provisions of chapter 35.20 RCW, as if chapters 3.30 through 3.74 RCW had never been enacted: PROVIDED FURTHER, That if a city elects to continue its municipal court pursuant to this section, the number of district judges allocated to the county in RCW 3.34.010 shall be reduced by two and the number of full time district judges allocated by RCW 3.34.020 to the district in which the city is situated shall also be reduced by two. The provisions of chapters 3.30 through 3.74 RCW may be made applicable to any county (~~of the first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth class~~) with a population of less than two hundred ten thousand upon a majority vote of its (~~board of~~) county (commissioners) legislative authority.

Sec. 5. RCW 3.38.030 and 1984 c 258 s 25 are each amended to read as follows:

Upon receipt of the districting plan, the county legislative authority shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. If the county legislative authority finds that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 RCW and is conducive to the best interests and welfare of the county as a whole it may adopt such plan. If the county legislative authority finds that the plan does not conform to the standards as provided in chapters 3.30 through 3.74 RCW, the county legislative authority may modify, revise or amend the plan and adopt such amended or revised plan as the county's district court districting plan. The plan decided upon shall be adopted by the county legislative authority not later than six months after the (~~classification of the county as class A~~) county initially obtains a population of two hundred ten thousand or more or the adoption of the elective resolution.

Sec. 6. RCW 3.74.940 and 1965 ex.s. c 110 s 4 are each amended to read as follows:

Any prior action by the (~~county commissioners~~) legislative authority of any county (~~of the first, second, third, fourth, fifth, sixth, seventh, eighth or ninth class~~) with a population of less than two hundred ten thousand to make the provisions of chapters 3.30 through 3.74 RCW applicable to their county and the organization of any justice court as a result thereof, and all other things and proceedings done or taken by such county or by their respective officers acting under or in pursuance to such prior action and organization are hereby declared legal and valid and of full force and effect.

Sec. 7. RCW 7.06.010 and 1984 c 258 s 511 are each amended to read as follows:

In counties (~~of the second class and larger~~) with a population of seventy thousand or more, the superior court of the county, by majority vote of the judges thereof, or the county legislative authority may authorize mandatory arbitration of civil actions under this chapter. In all other counties, the superior court of the county, by a majority vote of the judges thereof, may authorize mandatory arbitration of civil actions under this chapter.

Sec. 8. RCW 8.04.080 and 1988 c 188 s 15 are each amended to read as follows:

The order shall direct that determination be had of the compensation and damages to be paid all parties interested in the land, real estate, premises or other property sought to be appropriated for the taking and appropriation thereof, together with the injury, if any, caused by such taking and appropriation to the remainder of the lands, real estate,

premises, or other property from which the same is to be taken and appropriated after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and the use by the state of the lands, real estate, premises, and other property described in the petition. The determination shall be made within thirty days after the entry of such order, before a jury if trial by jury is demanded at the hearing either by the petitioner or by the respondents, otherwise by the court sitting without a jury. If no regular venire has been called so as to be available to serve within such time on application of the petitioner at the hearing, the court may by its order continue such determination to the next regular jury term if a regular venire will be called within sixty days, otherwise the court shall call a special jury within said sixty days and direct that a jury panel be selected and summoned pursuant to chapter 2.36 RCW, from the citizens of the county in which the lands, real estate, premises, or other property sought to be appropriated are situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the petitioner and respondents both consent to a less number of jurors (such number to be not less than three), and such consent is entered by the clerk in the minutes of such hearing. In any ~~((third class))~~ county ~~((or lesser classification))~~ with a population of less than seventy thousand, the costs of such special jury for the trial of such condemnation cases only shall be borne by the state.

Sec. 9. RCW 9.73.220 and 1989 c 271 s 203 are each amended to read as follows:

In each superior court judicial district in ~~((class AA and A counties))~~ a county with a population of two hundred ten thousand or more there shall be available twenty-four hours a day at least one superior court or district court judge or magistrate designated to receive telephonic requests for authorizations that may be issued pursuant to this chapter. The presiding judge of each such superior court in conjunction with the district court judges in that superior court judicial district shall establish a coordinated schedule of rotation for all of the superior and district court judges and magistrates in the superior court judicial district for purposes of ensuring the availability of at least one judge or magistrate at all times. During the period that each judge or magistrate is designated, he or she shall be equipped with an electronic paging device when not present at his or her usual telephone. It shall be the designated judge's or magistrate's responsibility to ensure that all attempts to reach him or her for purposes of requesting authorization pursuant to this chapter are forwarded to the electronic page number when the judge or magistrate leaves the place where he or she would normally receive such calls.

Sec. 10. RCW 13.04.035 and 1979 c 155 s 5 are each amended to read as follows:

Juvenile court, probation counselor, and detention services shall be administered by the superior court, except that by local court rule and agreement with the legislative authority of the county they may be administered by the legislative authority of the county in the manner prescribed by RCW 13.20.060: PROVIDED, That in any ~~((class AA))~~ county with a population of one million or more, such services shall be administered in accordance with chapter 13.20 RCW. The administrative body shall appoint an administrator of juvenile court, probation counselor, and detention services who shall be responsible for day-to-day administration of such services, and who may also serve in the capacity of a probation counselor. One person may, pursuant to the agreement of more than one administrative body, serve as administrator of more than one juvenile court.

Sec. 11. RCW 13.04.093 and 1985 c 354 s 30 are each amended to read as follows:

It shall be the duty of the prosecuting attorney to act in proceedings relating to the commission of a juvenile offense as provided in RCW 13.40.070 and 13.40.090 and in proceedings as provided in chapter 71.34 RCW. It shall be the duty of the prosecuting attorney to handle delinquency cases under chapter 13.24 RCW and it shall be the duty of the attorney general to handle dependency cases under chapter 13.24 RCW. It shall be the duty of the attorney general in contested cases brought by the department to

present the evidence supporting any petition alleging dependency or seeking the termination of a parent and child relationship or any contested case filed under RCW 26.33.100 or approving or disapproving alternative residential placement: PROVIDED, That in ~~((class 1 through 9 counties))~~ each county with a population of less than two hundred ten thousand, the attorney general may contract with the prosecuting attorney of the county to perform said duties of the attorney general.

Sec. 12. RCW 13.20.010 and 1955 c 232 s 1 are each amended to read as follows:

The judges of the superior court of any ~~((class AA))~~ county with a population of one million or more are hereby authorized, by majority vote, to appoint a board of managers to administer, subject to the approval and authority of such superior court, the probation and detention services for dependent and delinquent children coming under the jurisdiction of the juvenile court.

Such board shall consist of four citizens of the county and the judge who has been selected to preside over the juvenile court.

Sec. 13. RCW 13.20.060 and 1975 1st ex.s. c 124 s 1 are each amended to read as follows:

In addition, and alternatively, to the authority granted by RCW 13.20.010, the judges of the superior court of any ~~((class AA))~~ county with a population of one million or more operating under a county charter providing for an elected county executive are hereby authorized, by a majority vote, subject to approval by ordinance of the legislative authority of the county to transfer to the county executive the responsibility for, and administration of all or part of juvenile court services, including detention, intake and probation. The superior court and county executive of such county are further authorized to establish a five-member juvenile court advisory board to advise the county in its administration of such services, facilities and programs. If the advisory board is established, two members of the advisory board shall be appointed by the superior court, two members shall be appointed by the county executive, and one member shall be selected by the vote of the other four members. The county is authorized to contract or otherwise make arrangements with other public or private agencies to provide all or a part of such services, facilities and programs. Subsequent to any transfer to the county of responsibility and administration of such services, facilities and programs pursuant to the foregoing authority, the judges of such superior court, by majority vote subject to the approval by ordinance of the legislative authority of the county, may retransfer the same to the superior court.

Sec. 14. RCW 13.70.005 and 1989 1st ex.s. c 17 s 2 are each amended to read as follows:

Periodic case review of all children in substitute care shall be provided in at least one ~~((class 1 or higher))~~ county with a population of one hundred twenty-five thousand or more, in accordance with this chapter.

The administrator for the courts shall coordinate and assist in the administration of the local citizen review board pilot program created by this chapter.

Sec. 15. RCW 15.60.170 and 1989 c 354 s 64 are each amended to read as follows:

The county legislative authority of any county ~~((of the third class))~~ with a population of from forty thousand to less than seventy thousand located east of the Cascade crest and bordering on the southern side of the Snake river shall have the power to designate by an order made and published, as provided in RCW 15.60.190, certain territories as apiary coordinated areas in which they may designate the number of colonies per apiary, the distance between apiaries, the minimum required setback distance from property lines, and/or the time of year the regulations shall be in effect. No territory so designated shall be less than two square miles in area.

Sec. 16. RCW 19.27.160 and 1989 c 246 s 7 are each amended to read as follows:

Any county ~~((of the seventh class))~~ with a population of from five thousand to less than ten thousand that had in effect on July 1, 1985, an ordinance or resolution

authorizing and regulating the construction of owner-built residences may reenact such an ordinance or resolution if the ordinance or resolution is reenacted before September 30, 1989. After reenactment, the county shall transmit a copy of the ordinance or resolution to the state building code council.

Sec. 17. RCW 26.12.050 and 1989 c 199 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in ~~((class "A" counties and counties of the first through ninth classes))~~ each county with a population of less than one million, the superior court may appoint the following persons to assist the family court in disposing of its business:

(a) One or more attorneys to act as family court commissioners, and

(b) Such investigators, stenographers and clerks as the court shall find necessary to carry on the work of the family court.

(2) The county legislative authority must approve the creation of family court commissioner positions.

(3) The appointments provided for in this section shall be made by majority vote of the judges of the superior court of the county and may be made in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Family court commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a family court commissioner may also be appointed to any other commissioner position authorized by law.

Sec. 18. RCW 27.24.062 and 1971 ex.s. c 141 s 1 are each amended to read as follows:

In each county ~~((of the first, second, third, fourth, fifth, and sixth classes))~~ with a population of from eight thousand to less than one hundred twenty-five thousand, there shall be a county law library which shall be governed and maintained as hereinafter provided.

Two or more of such counties may, by agreement of the respective law library boards of trustees, create a regional law library and establish and maintain one principal law library at such location as the regional board of trustees may determine will best suit the needs of the users: PROVIDED, HOWEVER, That there shall be at all times a law library in such size as the board of trustees may determine necessary to be located at the courthouse where each superior court is located.

Sec. 19. RCW 27.24.068 and 1975 c 37 s 1 are each amended to read as follows:

In each county ~~((of the seventh and eighth class))~~ with a population of less than eight thousand, there may be a county law library which shall be governed and maintained by the prosecuting attorney who shall also serve as trustee of such library without additional salary or other compensation.

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the prosecuting attorney may by rule provide.

Sec. 20. RCW 28A.315.450 and 1980 c 35 s 1 are each amended to read as follows:

The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, each member of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until a successor is elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members.

Sec. 21. RCW 28A.315.460 and 1979 ex.s. c 183 s 10 are each amended to read as follows:

After July 1, 1979, the election of directors of any first class school district having within its boundaries a city with a population of four hundred thousand people or more (~~(and being in a class AA county)~~), shall be to four year terms. The initial four year terms required by this section shall commence upon the expiration of terms in existence at July 1, 1979. Nothing in this amendatory act shall affect the term of office of any incumbent director of any such first class school district.

Sec. 22. RCW 28A.315.580 and 1990 c 161 s 5 and 1990 c 33 s 319 are each reenacted and amended to read as follows:

Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~), if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the regional committee to divide the school district, if formed, into five directors' districts in first class school districts and a choice of five directors' districts or no fewer than three directors' districts with the balance of the directors to be elected at large in second class school districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.550. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.315.600, 28A.315.610, and 28A.315.620. Each of the five directors shall be elected from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire school district.

Sec. 23. RCW 28A.315.590 and 1990 c 161 s 6 are each amended to read as follows:

The board of directors of every first class school district other than a school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~(in class AA counties)~~) which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the regional committee to divide the district into directors' districts or for second class school districts into director districts or a combination of no fewer than three director districts and no more than two at large positions. If a majority of the votes cast on the proposition shall be affirmative, the regional committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of the director districts from among the residents of the respective director district, or from among the residents of the entire school district in the case of directors at large, by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 24. RCW 28A.315.600 and 1990 c 33 s 320 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing no former first class district, the directors of the old school districts who reside within the limits of the new district shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. If fewer than five such directors reside in such new district, they shall become directors of said district and the educational service district board shall appoint the number of additional directors to constitute a board of five directors for the district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a (~~class AA or class A~~) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 25. RCW 28A.315.610 and 1990 c 33 s 321 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing only one former first class district, the directors of the former first class district and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies, once such a board has been reconstituted, shall not be filled unless the number of remaining board members is less than five, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and authority conferred by law upon boards of directors of first class school districts until the next regular school election in the district at which election their successors shall be elected and qualified. At such election no more than five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years: PROVIDED, That if such first class district is in a (~~class AA or class A~~) county with a population of two hundred ten thousand or more and contains a city of the first class, two directors shall be elected for a term of three years and three directors shall be elected for a term of six years.

Sec. 26. RCW 28A.315.620 and 1990 c 33 s 322 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.315.580 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, as now or hereafter amended, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than a district having within its boundaries a city with a population of four hundred thousand people or more (~~in class AA counties~~) and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.

Sec. 27. RCW 28A.315.630 and 1990 c 33 s 323 are each amended to read as follows:

Upon the establishment of a new school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~in class AA counties~~), the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts shall meet at the call of the educational service district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.315.670. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 28A.315.460.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Sec. 28. RCW 28A.315.670 and 1990 c 59 s 99 and 1990 c 33 s 327 are each reenacted and amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~in class AA counties~~) shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in any primary required to be held for the position under Title 29 RCW, by the registered voters of that particular director district. In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required

for nonpartisan positions under Title 29 RCW. Except as provided in RCW 28A.315.680, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.315.460.

Sec. 29. RCW 28A.315.680 and 1990 c 59 s 72 and 1990 c 33 s 328 are each reenacted and amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more (~~in class AA counties~~) shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.315.450, 28A.315.460, 28A.315.570, 28A.315.670, 28A.315.680, and 29.21.180.

Sec. 30. RCW 29.04.200 and 1990 c 184 s 1 are each amended to read as follows:

(1) Beginning January 1, 1993, no voting device or machine may be used in a county (~~of the second class or larger~~) with a population of seventy thousand or more to conduct a primary or general or special election in this state unless it correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(2) Beginning January 1, 1993, the secretary of state shall not certify under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

(3) Beginning January 1, 1993, a county (~~of the third class or smaller~~) with a population of less than seventy thousand may use a voting machine or device for conducting a primary or general or special election which does not record on a separate ballot, available for audit purposes after the primary or election, the votes cast by each elector for any person and for or against any measure if:

(a) The device was certified under this title before January 1, 1993, for use in this state;

(b) The device otherwise satisfies the requirements of this title; and

(c) Not more than twenty percent of the votes cast during any primary or general or special election conducted after January 1, 1998, in the county are cast using such a machine or device.

(4) The purpose of subsection (3) of this section is to permit less populous counties to replace voting equipment in stages over several years. These less populous counties are, nonetheless, encouraged to secure as expeditiously as possible voting equipment which would satisfy the requirements of subsection (1) of this section established for more populous counties. The secretary of state shall report to the legislature by January 1st of each odd-numbered year through 1997 on the progress of such less populous counties in replacing equipment which does not satisfy the requirements of subsection (1) of this section established for more populous counties.

Sec. 31. RCW 29.10.180 and 1989 c 261 s 1 are each amended to read as follows:

(1) The county auditor may enter one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor finds that information received under such a contract

gives the appearance that a voter has changed his or her residence address, the auditor shall notify the voter concerning the requirements of state and federal laws governing voter registration and residence.

(2) Whenever any vote-by-mail ballot, notification to voters following reprecincting of the county, notification to voters of selection to serve on jury duty, notification under subsection (1) of this section, or initial voter identification card is returned by the postal service as undeliverable, the county auditor shall, in every instance, inquire into the validity of the registration of that voter.

((2)) (3) The county auditor shall initiate his or her inquiry by sending, by first-class mail, a written notice to the challenged voter at the address indicated on the voter's permanent registration record and to any other address at which the county auditor could reasonably expect mail to be received by the voter. The county auditor shall not request any restriction on the forwarding of such notice by the postal service. The notice shall contain the nature of the inquiry and provide a suitable form for reply. The notice shall also contain a warning that the county auditor must receive a response within forty-five days from the date of mailing or the individual's voter registration will be canceled.

((3)) (4) The voter, in person or in writing, may state that the information on the permanent voter registration record is correct or may request a change in the address information on the permanent registration record no later than the forty-fifth day after the date of mailing the inquiry.

((4)) (5) Upon the timely receipt of a response signed by the voter, the county auditor shall consider the inquiry satisfied and will make any address corrections requested by the voter on the permanent registration record. The county auditor shall cancel the registration of a voter who fails to respond to the notice of inquiry within forty-five days after the date of mailing.

((5)) (6) The county auditor shall notify any voter whose registration has been canceled by sending, by first class mail, a written notice to the address indicated on the voter's permanent registration record and to any other address to which the original inquiry was sent. Upon receipt of a satisfactory voter response, the auditor shall reinstate the voter.

((6)) (7) A voter whose registration has been canceled under this section and who offers to vote at the next ensuing election shall be issued a questioned ballot. Upon receipt of such a questioned ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration shall be immediately reinstated, and the voter's questioned ballot shall be counted. If the original cancellation was not in error, the voter shall be afforded the opportunity to reregister at his or her correct address, and the voter's questioned ballot shall not be counted.

Sec. 32. RCW 29.13.060 and 1990 c 33 s 563 are each amended to read as follows:

In ~~((class AA and class A counties))~~ each county with a population of two hundred ten thousand or more, first class school districts containing a city of the first class shall hold their elections biennially as provided in RCW 29.13.020.

Except as provided in RCW 28A.315.460, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170.

Sec. 33. RCW 29.30.060 and 1990 c 59 s 12 are each amended to read as follows:

Except in ~~((class AA counties))~~ each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in ~~((class AA))~~ counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a ~~((class AA))~~ county with a population of one million or more for a primary or election, each of

which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the general election, but the names of candidates for the individual positions need not be shown.

Sec. 34. RCW 29.42.050 and 1987 c 295 s 14 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committee officer except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes in the precinct. Any person elected to the office of precinct committee officer who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committee officer shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a ~~((class AA))~~ county with a population of one million or more, such appointment shall be made only upon the recommendation of the legislative district chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chair selected as provided by RCW 29.42.030.

Sec. 35. RCW 29.42.070 and 1987 c 295 s 15 are each amended to read as follows:

Within forty-five days after the state-wide general election in even-numbered years, or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections, the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district a majority of the precincts of which are within a ~~((class AA))~~ county with a population of one million or more for the purpose of electing a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair can only be removed by the majority vote of the elected precinct committee officers in the chair's district.

Sec. 36. RCW 29.82.060 and 1965 c 9 s 29.82.060 are each amended to read as follows:

When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition (~~(he or it)~~) the person, committee, or organization may submit the same to the officer with whom the charge was filed for filing in his or her office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county (~~(of the first, second or third class))~~ with a population of forty thousand or more-signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in ~~((subdivision))~~ subsection (1) of this section, and in the case of a state senator or representative--signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

Sec. 37. RCW 35.21.010 and 1965 c 138 s 1 are each amended to read as follows:

Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of _____, or the town of _____, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this title, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title: PROVIDED, That not more than two square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of fifteen hundred or less, or located in ~~((class AA counties))~~ a county with a population of one million or more, and not more than three square miles in area shall be included within the corporate limits of a ~~((municipal corporation of the fourth class))~~ town having a population of more than fifteen hundred in ~~((counties other than class AA))~~ a county with a population of less than one million, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of ~~((municipal corporations of the fourth class))~~ a town without the consent of the owner of such unplatted land: PROVIDED FURTHER, That the original incorporation of ~~((municipal corporations of the fourth class))~~ a town shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040.

Sec. 38. RCW 35.21.422 and 1967 ex.s. c 52 s 1 are each amended to read as follows:

Any city, located within a ~~((class A))~~ county with a population of two hundred ten thousand or more west of the Cascades, owning and operating a public utility and having facilities for the distribution of electricity located outside its city limits, may provide for the support of cities, towns, counties and taxing districts in which such facilities are located, and enter into contracts with such county therefor. Such contribution shall be based upon the amount of retail sales of electricity, other than to governmental agencies, made by such city in the areas of such cities, towns, counties or taxing districts in which such facilities are located, and shall be divided among them on the same basis as taxes on real and personal property therein are divided.

Sec. 39. RCW 35.58.040 and 1971 ex.s. c 303 s 3 are each amended to read as follows:

At the time of its formation no metropolitan municipal corporation shall include only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of such corporation. If subsequent to the formation of a metropolitan municipal corporation a part only of any city shall be included within the boundaries of a metropolitan municipal corporation such part shall be deemed to be "unincorporated" for the purpose of selecting a member of the metropolitan council pursuant to RCW 35.58.120(3) and such city shall neither select nor participate in the selection of a member on the metropolitan council pursuant to RCW 35.58.120.

Any metropolitan municipal corporation now existing or hereafter created, within a ~~((class A county contiguous to a class AA county or class AA))~~ county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of one million or more, shall, upon May 21, 1971, as to metropolitan corporations existing on such date or upon the date of formation as to metropolitan corporations formed after May 21, 1971, have the same boundaries as those of the respective central county of such

metropolitan corporation: PROVIDED, That the boundaries of such metropolitan corporation may be enlarged after such date by annexation as provided in chapter 35.58 RCW as now or hereafter amended. Any contiguous metropolitan municipal corporations may be consolidated into a single metropolitan municipal corporation upon such terms, for the purpose of performing such metropolitan function or functions, and to be effective at such time as may be approved by resolutions of the respective metropolitan councils. In the event of such consolidation the component city with the largest population shall be the central city of such consolidated metropolitan municipal corporation and the component county with the largest population shall be the central county of such consolidated metropolitan municipal corporation.

Sec. 40. RCW 35.58.273 and 1990 c 42 s 316 are each amended to read as follows:

(1) Through June 30, 1992, any municipality (~~within a class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county~~), as defined in this subsection, is authorized to levy and collect a special excise tax not exceeding .7824 percent and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150 ((5) and (6)) (3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. As used in this subsection, the term "municipality" means a municipality that is located within one of the following counties: (a) A county with a population of one million or more; (b) a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more; or (c) a county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population as described under (b) of this subsection and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Through June 30, 1992, any other municipality is authorized to levy and collect a special excise tax not exceeding .815 percent, and beginning July 1, 1992, .725 percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150(3) and (4), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020. Before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) Prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

(3) A "corridor public hearing" is a public hearing that: (a) Is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such

hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

(4) A "design public hearing" is a public hearing that: (a) Is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 41. RCW 35.81.010 and 1975 c 3 s 1 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "urban renewal agency" shall mean a public agency created by RCW 35.81.160.

(2) "Blighted area" shall mean an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime; substantially impairs or arrests the sound growth of the city or its environs, retards the provision of housing accommodations or constitutes an economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, and morals in its present condition and use.

(3) "Bonds" shall mean any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(6) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(7) "Mayor" shall mean the chief executive of a city(~~(;)~~) or town, or ~~((class AA county or the board of commissioners))~~ the elected executive, if any, of any county operating under a charter, or the county legislative authority of any other county.

(8) "Municipality" shall mean any incorporated city or town, or any county, in the state.

(9) "Obligee" shall include any bondholder, agent or trustees for any bondholders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(10) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(11) "Public body" shall mean the state or any municipality, township, board, commission, district, or any other subdivision or public body of the state.

(12) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(13) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(14) "Redevelopment" may include (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter in accordance with the urban renewal plan, and (d) making the land available for development or redevelopment by private enterprise or public agencies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan.

(15) "Rehabilitation" may include the restoration and renewal of a blighted area or portion thereof, in accordance with an urban renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this chapter; and (d) the disposition of any property acquired in such urban renewal area (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with such urban renewal plan.

(16) "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.

Sec. 42. RCW 35.82.285 and 1973 1st ex.s. c 198 s 2 are each amended to read as follows:

Housing authorities of ~~((first class counties created under this chapter))~~ each county with a population of one hundred twenty-five thousand or more may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in 42 U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall comply with all zoning, building, fire, and health regulations and procedures applicable in the locality.

Sec. 43. RCW 36.01.130 and 1981 c 75 s 2 are each amended to read as follows:

The imposition of controls on rent is of state-wide significance and is preempted by the state. No county (~~(of any class)~~) may enact, maintain or enforce ordinances or other provisions which regulate the amount of rent to be charged for single family or multiple unit residential rental structures or sites other than properties in public ownership, under public management, or properties providing low-income rental housing under joint public-private agreements for the financing or provision of such low-income rental housing. This section shall not be construed as prohibiting any county from entering into agreements with private persons which regulate or control the amount of rent to be charged for rental properties.

Sec. 44. RCW 36.13.020 and 1977 ex.s. c 110 s 6 are each amended to read as follows:

~~((Whenever))~~ The legislative authority of any county ~~((determines that its county has sufficient population to entitle it to advance to a higher class, and passes a resolution setting forth its estimate as to the population and the classification to which the county is entitled by reason of such estimated population it))~~ may order a county census to be taken of all the inhabitants of the county. The expense of such census enumeration shall be paid from the county current expense fund.

Sec. 45. RCW 36.13.100 and 1963 c 4 s 36.13.100 are each amended to read as follows:

Whenever any provision of law refers to the population of a county for purposes of distributing funds ((are allocated to counties on the basis of population)) or for any other purpose, the population of the respective counties shall be determined by the most recent census, population estimate ((or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey. If a maximum percent of error is shown on any such survey or estimate, the population of the county shall be computed by deducting from the estimate fifty percent of the maximum possible error)) by the office of financial management, or special county census as certified by the office of financial management.

Sec. 46. RCW 36.16.030 and 1963 c 4 s 36.16.030 are each amended to read as follows:

In every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer ((= PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner ((= PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder

of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner.

Sec. 47. RCW 36.16.030 and 1990 c 252 s 8 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer(~~(= PROVIDED, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes)), except that in each county with a population of less than forty thousand no coroner shall be elected and the prosecuting attorney shall be ex officio coroner(= PROVIDED FURTHER, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor)). Whenever the population of a county increases to forty thousand or more, the prosecuting attorney shall continue as ex officio coroner until a coroner is elected, at the next general election at which the office of prosecuting attorney normally would be elected, and assumes office as provided in RCW 29.04.170. In any county where the population has once attained forty thousand people and a current coroner is in office and a subsequent census indicates less than forty thousand people, the county legislative authority may maintain the office of coroner by resolution or ordinance. If the county legislative authority has not passed a resolution or enacted an ordinance to maintain the office of coroner, the elected coroner shall remain in office for the remainder of the term for which he or she was elected, but no coroner shall be elected at the next election at which that office would otherwise be filled and the prosecuting attorney shall be the ex officio coroner. A noncharter county may have five county commissioners as provided in RCW 36.32.010 and 36.32.055 through 36.32.0558.~~

Sec. 48. RCW 36.16.032 and 1973 1st ex.s. c 88 s 1 are each amended to read as follows:

The office of county auditor may be combined with the office of county clerk in ~~((counties of the eighth class))~~ each county with a population of less than five thousand by unanimous resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor ~~((shall be nine thousand four hundred dollars.~~

Beginning January 1, 1974, the salary of such office)), and the salary of the office of county auditor that is not combined with the office of county clerk, shall be not less than ten thousand three hundred dollars. The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.

Sec. 49. RCW 36.16.050 and 1971 c 71 s 1 are each amended to read as follows:

Every county official before he or she enters upon the duties of his or her office shall furnish a bond conditioned that he or she will faithfully perform the duties of his or her office and account for and pay over all money which may come into his or her hands by virtue of his or her office, and that he or she, or his or her executors or administrators, will deliver to his or her successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his or her office. Bonds of elective county officers shall be as follows:

(1) Assessor: Amount to be fixed and sureties to be approved by proper county legislative authority;

(2) Auditor: Amount to be fixed at not less than ten thousand dollars and sureties to be approved by the proper county legislative authority;

(3) Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his or her hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he or she is clerk: PROVIDED, That the maximum bond fixed for the clerk shall not exceed in amount that required for the treasurer in a county of that class;

(4) Coroner: Amount to be fixed at not less than five thousand dollars with sureties to be approved by the proper county legislative authority;

(5) Members of the proper county legislative authority: Sureties to be approved by the county clerk and the amounts to be:

~~((1))~~ (a) In ~~((class A, AA, counties and first class counties))~~ each county with a population of one hundred twenty-five thousand or more, twenty-five thousand dollars;

~~((2))~~ (b) In ~~((second class counties))~~ each county with a population of from seventy thousand to less than one hundred twenty-five thousand, twenty-two thousand five hundred dollars;

~~((3))~~ (c) In ~~((third class counties))~~ each county with a population of from forty to less than seventy thousand, twenty thousand dollars;

~~((4))~~ (d) In ~~((fourth class counties))~~ each county with a population of from eighty thousand to less than forty thousand, fifteen thousand dollars;

~~((5))~~ (e) In ~~((fifth class counties))~~ each county with a population of from twelve thousand to less than eighteen thousand, ten thousand dollars;

~~((6))~~ (f) In ~~((sixth class counties))~~ each county with a population of from eight thousand to less than twelve thousand, seven thousand five hundred dollars;

~~((7))~~ (g) In ~~((seventh and eighth class))~~ all other counties, five thousand dollars;

~~((8) In ninth class counties, two thousand dollars;))~~

(6) Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the proper county legislative authority;

(7) Sheriff: Amount to be fixed and bond approved by the proper county legislative authority at not less than five thousand nor more than fifty thousand dollars; surety to be a surety company authorized to do business in this state;

(8) Treasurer: Sureties to be approved by the proper county legislative authority and the amounts to be fixed by the proper county legislative authority at double the amount liable to come into the treasurer's hands during his or her term, the maximum amount of the bond, however, not to exceed:

~~((1))~~ (a) In ~~((class A, AA, counties))~~ each county with a population of two hundred ten thousand or more, two hundred fifty thousand dollars;

~~((2))~~ (b) In ~~((first class counties))~~ each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, two hundred thousand dollars;

~~((3))~~ (c) In ~~((second, third and fourth class counties))~~ each county with a population of from eighteen thousand to less than one hundred twenty-five thousand, one hundred fifty thousand dollars;

~~((4))~~ (d) In all other counties, one hundred thousand dollars.

The treasurer's bond shall be conditioned that all moneys received by him or her for the use of the county shall be paid as the proper county legislative authority shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his or her duties.

Bonds for other than elective officials, if deemed necessary by the proper county legislative authority, shall be in such amount and form as such legislative authority shall determine.

In the approval of official bonds, the ~~((chairman))~~ chair may act for the ~~((board of))~~ legislative authority if it is not in session.

Sec. 50. RCW 36.16.140 and 1965 ex.s. c 23 s 6 are each amended to read as follows:

Public auction sales of property conducted by or for the county or an officer thereof shall be held at such places (~~(on county property as the board of county commissioners)~~) as the county legislative authority may direct.

Sec. 51. RCW 36.17.010 and 1963 c 4 s 36.17.010 are each amended to read as follows:

The county officers of the counties of this state(~~(, according to their class,))~~) shall receive a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered by them.

Sec. 52. RCW 36.17.020 and 1973 1st ex.s. c 88 s 2 are each amended to read as follows:

~~((1) The salaries of the following county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class A counties: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand seven hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty two thousand five hundred dollars; members of board of county commissioners, seventeen thousand seven hundred dollars; coroner, fifteen thousand dollars;~~

~~Counties of the first class: Auditor, fourteen thousand five hundred dollars; clerk, fourteen thousand five hundred dollars; treasurer, fourteen thousand five hundred dollars; sheriff, sixteen thousand dollars; assessor, fourteen thousand five hundred dollars; prosecuting attorney, twenty two thousand five hundred dollars; members of board of county commissioners, sixteen thousand dollars; coroner, eight thousand dollars;~~

~~Counties of the second class: Auditor, thirteen thousand five hundred dollars; clerk, thirteen thousand five hundred dollars; treasurer, thirteen thousand five hundred dollars; sheriff, thirteen thousand five hundred fifty dollars; assessor, thirteen thousand five hundred dollars; prosecuting attorney, twenty one thousand five hundred dollars; members of board of county commissioners, thirteen thousand five hundred dollars; coroner, five thousand dollars;~~

~~Counties of the third class: Auditor, twelve thousand five hundred dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve thousand five hundred dollars; assessor, twelve thousand five hundred dollars; sheriff, twelve thousand five hundred dollars; prosecuting attorney, twenty one thousand five hundred dollars; members of the board of county commissioners, twelve thousand five hundred dollars; coroner, three thousand six hundred dollars;~~

~~Counties of the fourth class: Auditor, eleven thousand dollars; clerk, eleven thousand dollars; treasurer, eleven thousand dollars; assessor, eleven thousand dollars; sheriff, eleven thousand dollars; prosecuting attorney, in such a county in which there is no state university, thirteen thousand dollars; prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars; members of the board of county commissioners, ten thousand dollars;~~

~~Counties of the fifth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; assessor, nine thousand one hundred fifty dollars; prosecuting attorney, twelve thousand dollars; members of the board of county commissioners, eight thousand five hundred dollars;~~

~~Counties of the sixth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars;~~

~~assessor, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, six thousand four hundred dollars;~~

~~Counties of the seventh class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand nine hundred fifty dollars;~~

~~Counties of the eighth class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of board of county commissioners, five thousand nine hundred fifty dollars;~~

~~Counties of the ninth class: Auditor clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer assessor, seven thousand four hundred fifty dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand five hundred dollars.~~

~~(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows:)~~

The county legislative authority of each county is authorized to establish the salaries of the elected officials of the county. One-half of the salary of each prosecuting attorney shall be paid by the state. The annual salary of a county elected official shall not be less than the following:

(1) In each county with a population of one million or more: Auditor, clerk, treasurer, sheriff, members of ((board of) the county ((commissioners, coroners)) legislative authority, and coroner, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, ((twenty seven thousand five hundred dollars.

Beginning January 1, 1974:

~~The salaries of the following county officers of class AA and A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:~~

~~Class AA counties: Prosecuting attorney,) thirty thousand three hundred dollars; ((Class A counties)) (2) In each county with a population of from two hundred ten thousand to less than one million: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ((board of) the county ((commissioners)) legislative authority, nineteen thousand five hundred dollars; and coroner, sixteen thousand five hundred dollars;~~

~~((Counties of the first class)) (3) In each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of ((board of) the county ((commissioners)) legislative authority, seventeen thousand six hundred dollars; and coroner, eight thousand eight hundred dollars;~~

~~((Counties of the second class)) (4) In each county with a population of from seventy thousand to less than one hundred twenty-five thousand: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three~~

thousand seven hundred dollars; members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, fourteen thousand nine hundred dollars; and coroner, five thousand five hundred dollars;

~~((Counties of the third class))~~ (5) In each county with a population of from forty thousand to less than seventy thousand: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, thirteen thousand eight hundred dollars; and coroner, four thousand dollars;

~~((Counties of the fourth class))~~ (6) In each county with a population of from eighteen thousand to less than forty thousand: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, eleven thousand dollars;

~~((Counties of the fifth class))~~ (7) In each county with a population of from twelve thousand to less than eighteen thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, thirteen thousand two hundred dollars; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, nine thousand four hundred dollars;

~~((Counties of the sixth class))~~ (8) In each county with a population of from eight thousand to less than twelve thousand: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, seven thousand dollars;

~~((Counties of the seventh class))~~ (9) In each county with a population of from five thousand to less than eight thousand: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of ~~((board of))~~ the county ~~((commissioners))~~ legislative authority, six thousand five hundred dollars;

~~((Counties of the eighth class))~~ (10) In each other county: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; and members of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, six thousand five hundred dollars(§

~~Counties of the ninth class: Auditor clerk, eight thousand two hundred dollars; treasurer assessor, eight thousand two hundred dollars; sheriff, nine thousand four hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand one hundred dollars.~~

~~The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.~~

~~(One half of the salary of each prosecuting attorney shall be paid by the state)).~~

Sec. 53. RCW 36.17.040 and 1988 c 281 s 9 are each amended to read as follows:

The salaries of county officers and employees of counties other than counties (~~of the eighth and ninth classes~~) with a population of less than five thousand may be paid twice monthly out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the last day of the month, draw a warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him or her, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw a warrant, not later than the fifteenth day of the following month, and the county legislative authority, with the concurrence of the county auditor, may enter an order on the record journal empowering him or her so to do: PROVIDED, That if the county legislative authority does not adopt the semimonthly pay plan, it, by resolution, shall designate the first pay period as a draw day. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him or her on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. If officers and employees are paid once a month, the draw day shall not be later than the last day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifteenth day of the following month.

In counties (~~of eighth and ninth classes~~) with a population of less than five thousand salaries shall be paid monthly unless the county legislative authority by resolution adopts the foregoing draw day procedure.

Sec. 54. RCW 36.24.175 and 1969 ex.s. c 259 s 3 are each amended to read as follows:

In (~~class AA, class A, first, second and third class counties~~) each county with a population of forty thousand or more, no person shall be qualified for the office of county coroner as provided for in RCW 36.16.030 who is an owner or employee of any funeral home or mortuary.

Sec. 55. RCW 36.27.060 and 1989 c 39 s 1 are each amended to read as follows:

(1) The prosecuting (~~attorneys and their deputies of class four counties and counties with population larger than class four counties~~) attorney, and deputy prosecuting attorneys, of each county with a population of eighteen thousand or more shall serve full time and except as otherwise provided for in this section shall not engage in the private practice of law.

(2) Deputy prosecuting attorneys in (~~counties of the second class, third class, and fourth class~~) a county with a population of from eighteen thousand to less than one hundred twenty-five thousand may serve part time and engage in the private practice of law if the (~~board of~~) county (~~commissioners~~) legislative authority so provides.

(3) Except as provided in subsection (4) of this section, nothing in this section prohibits a prosecuting attorney or deputy prosecuting attorney in any county from:

(a) Performing legal services for himself or herself or his or her immediate family;

or

(b) Performing legal services of a charitable nature.

(4) The legal services identified in subsection (3) of this section may not be performed if they would interfere with the duties of a prosecuting attorney, or deputy prosecuting attorney and no services that are performed shall be deemed within the scope of employment of a prosecutor or deputy prosecutor.

NEW SECTION. Sec. 56. A new section is added to chapter 36.28A RCW to read as follows:

The Washington association of sheriffs and police chiefs may, upon request of a county's legislative authority, assist the county in developing and implementing its local law and justice plan. In doing so, the association shall consult with the office of financial management and the department of corrections.

Sec. 57. RCW 36.32.240 and 1985 c 169 s 8 are each amended to read as follows:

In any county the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may by resolution establish a county purchasing department ~~((and thereafter such))~~. The purchasing department shall contract on a competitive basis for all public works, enter into leases on a competitive basis, and purchase ((or lease on a competitive basis)) all supplies, materials, and equipment, on a competitive basis, for all departments of the county~~((exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.065, 36.77.070 and 36.82.130, and except for such contracts and purchases for the printing of election ballots, voting machine labels and all other election material containing the names of candidates and ballot titles, and performance based contracts as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW: PROVIDED, That in all class AA or class A counties or in any county of the first class it shall be mandatory that a purchasing department be established)), except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund.~~

Sec. 58. RCW 36.32.250 and 1989 c 431 s 57 and 1989 c 244 s 6 are each reenacted and amended to read as follows:

No contract~~((, lease, or purchase))~~ for public works may be entered into by the county legislative authority or by any elected or appointed officer of ~~((such))~~ the county until after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection~~((, and))~~. An advertisement ((thereof)) shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, ((or)) the materials~~((,))~~ and equipment~~((, or service))~~ to be ~~((purchased))~~ furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority~~((, shall be published in the county official newspaper: PROVIDED, That advertisements for public works contracts for construction, alteration, repair, or improvement of public facilities))~~. An advertisement shall also be ((additionally)) published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done((: AND PROVIDED FURTHER, That)). If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper ((only)) shall be sufficient. Such advertisements shall be published at least once ((in each week for two consecutive weeks)) at least ten days prior to the last date upon which bids will be received ((and as many additional publications as shall be determined by the county legislative authority)). The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in ~~((said))~~ the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed. The contract for the public work~~((, lease, or purchase))~~ shall be awarded to the lowest responsible bidder~~((, taking into consideration the quality of the articles or equipment to be purchased or leased))~~. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law. If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful

bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. In the letting of any contract (~~(lease, or purchase)~~) involving less than ten thousand dollars, advertisement and competitive bidding may be dispensed with on order of the county legislative authority. (~~Notice of intention to let contracts or to enter into lease agreements involving amounts exceeding one thousand dollars but less than ten thousand dollars, shall be posted by the county legislative authority on a bulletin board in its office not less than three days prior to making such lease or contract. For advertisement and competitive bidding to be dispensed with as to purchases between one thousand and ten thousand dollars, the county legislative authority must authorize by resolution a county procedure for securing telephone or written quotations, or both, from enough vendors to assure establishment of a competitive price and for awarding such contracts for purchase of materials, equipment, or services to the lowest responsible bidder. The procedure shall include the annual establishment of an array of general categories in which such contracts, leases, or purchases are anticipated. A roster shall be developed for each category, consisting of all potential bidders who have requested to be included on the roster. The county shall invite proposals from all vendors listed on the appropriate roster for each purchase between one thousand and ten thousand dollars.~~) Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. (~~Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible, and may be purchased and stored for general use by all of the various departments which shall be charged for the supplies when withdrawn from the purchasing department.~~)

For advertisement and competitive bidding to be dispensed with as to public works projects with an estimated value of one hundred thousand dollars or less, a county must use a small works roster process as provided in section 109 of this act.

This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

(~~Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.~~)

Sec. 59. RCW 36.32.350 and 1973 1st ex.s. c 195 s 30 are each amended to read as follows:

County (~~(commissioners)~~) legislative authorities may designate the Washington state association of counties as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county (~~(commissioners')~~) legislative authority's budget for the costs of any such services rendered (~~(: PROVIDED, That the total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of one half of one cent per thousand dollars of assessed value against the taxable property of the county)~~). Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the (~~(board of county commissioners)~~) county legislative authority in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed.

NEW SECTION. Sec. 60. A new section is added to chapter 36.32 RCW to read as follows:

Each county that plans and zones must authorize the siting of schools in all areas within its planning jurisdiction by either outright permitted uses or conditional use permits.

NEW SECTION. Sec. 61. A new section is added to chapter 36.32 RCW to read as follows:

A county when calling for competitive bids for the procurement of road maintenance materials may award to multiple bidders for the same commodity when the bid specifications provide for the factors of haul distance to be included in the determination of which vendor is truly the lowest price to the county. The county may readvertise for additional bidders and vendors if it deems it necessary in the public interest.

NEW SECTION. Sec. 62. A new section is added to chapter 36.32 RCW to read as follows:

(1) No contract for the purchase of materials, equipment, supplies, or services may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least ten days prior to the last date upon which bids will be received.

(2) The bids shall be in writing and filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between two thousand five hundred and twenty-five thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in section 110 of this act.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

NEW SECTION. Sec. 63. A new section is added to chapter 36.32 RCW to read as follows:

No lease may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the county. The county shall use the same procedures specified in sections 62 and 110 of this act for awarding contracts for purchases when it leases property from the lowest responsible bidder.

Sec. 64. RCW 36.33.060 and 1973 1st ex.s. c 38 s 1 are each amended to read as follows:

~~((There is created in class AA and class A counties and counties of the first class a fund to be known as the salary fund, which shall))~~ The county legislative authority of each county with a population of one hundred twenty-five thousand or more shall establish a salary fund to be used for paying the salaries and wages of all officials and employees. ~~((In counties smaller than counties of the first class))~~ The county legislative authority of any other county may ((by resolution)) establish such a salary fund. Said salary fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for salaries and

wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

Sec. 65. RCW 36.33.065 and 1973 1st ex.s. c 38 s 2 are each amended to read as follows:

The county legislative authority of any ~~((class))~~ county may establish by resolution a fund to be known as the claims fund, which shall be used for paying claims against the county. Such claims fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for such expenditures. The deposits shall be made in the exact amount of the vouchers paid from the claims fund.

Sec. 66. RCW 36.34.020 and 1985 c 469 s 45 are each amended to read as follows:

Whenever the county legislative authority desires to dispose of any county property except:

- (1) When selling to a governmental agency;
- (2) When personal property to be disposed of is to be traded in upon the purchase of a like article;
- (3) When the value of the property to be sold is less than two thousand five hundred dollars;
- (4) When the county legislative authority by a resolution setting forth the facts has declared an emergency to exist; it shall publish notice of its intention so to do once each week during two successive weeks in a legal newspaper of general circulation in the county.

Sec. 67. RCW 36.34.050 and 1963 c 4 s 36.34.050 are each amended to read as follows:

Within three days after the hearing upon a proposal to dispose of county property, the ~~((board of county commissioners))~~ county legislative authority shall make its findings and determination thereon and cause them to be spread upon its minutes and made a matter of record. The county legislative authority may set a minimum sale price on property that is proposed for sale.

Sec. 68. RCW 36.34.080 and 1965 ex.s. c 23 s 1 are each amended to read as follows:

All sales of county property ordered after a public hearing upon the proposal to dispose thereof must be ~~((made by the county treasurer at such place on county property as the board of county commissioners may direct to the highest and best bidder at public auction))~~ supervised by the county treasurer and may be sold at a county or other government agency's public auction, at a privately operated consignment auction that is open to the public, or by sealed bid to the highest and best bidder over minimum sale price as directed by the county legislative authority.

Sec. 69. RCW 36.34.090 and 1985 c 469 s 46 are each amended to read as follows:

Whenever county property is to be sold at public auction, consignment auction, or sealed bid, the county auditor shall publish notice thereof once during each of two successive calendar weeks in a newspaper of general circulation in the county. Notice thereof must also be posted in a conspicuous place in the courthouse. The posting and date of first publication must be at least ten days before the day fixed for the sale.

Sec. 70. RCW 36.34.100 and 1963 c 4 s 36.34.100 are each amended to read as follows:

The notice of sale of county property by auction sale must particularly describe the property to be sold and designate the day and hour and the ~~((place of sale. If real property is to be sold on terms, the terms must be stated in the notice))~~ location of the auction sale. The notice of sale of county property by sealed bid must describe the property to be sold, designate the date and time after which the bids are not received, the location to turn in the sealed bid, and the date, time, and location of the public meeting of the county legislative authority when the bids are opened and read in public.

Sec. 71. RCW 36.47.040 and 1977 ex.s. c 221 s 1 are each amended to read as follows:

Each county which designates the Washington state association of county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: PROVIDED, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the ~~((board of county commissioners))~~ legislative authority of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. ~~((The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of one half of a cent per thousand dollars of assessed value against the taxable property in such county.))~~

Sec. 72. RCW 36.56.010 and 1977 ex.s. c 277 s 1 are each amended to read as follows:

Any ~~((class AA or class A))~~ county with a population of two hundred ten thousand or more in which a metropolitan municipal corporation has been established pursuant to chapter 35.58 RCW with boundaries coterminous with the boundaries of the county may by ordinance or resolution, as the case may be, of the county legislative authority assume the rights, powers, functions, and obligations of such metropolitan municipal corporation in accordance with the provisions of this 1977 amendatory act. The definitions contained in RCW 35.58.020 shall be applicable to this chapter.

Sec. 73. RCW 36.57A.020 and 1975 1st ex.s. c 270 s 12 are each amended to read as follows:

The county legislative authority of every ~~((class A, class 1, class 2, or class 3))~~ county with a population of forty thousand or more shall, and the legislative authority of every other county may, within ninety days of July 1, 1975, and as often thereafter as it deems necessary, and upon thirty days prior written notice addressed to the legislative body of each city within the county and with thirty days public notice, convene a public transportation improvement conference to be attended by an elected representative selected by the legislative body of each city, within such county, and by the county ~~((commissioners))~~ legislative authority. Such conference shall be for the purpose of evaluating the need for and the desirability of the creation of a public transportation benefit area within certain incorporated and unincorporated portions of the county to provide public transportation services within such area. In those counties where county officials believe the need for public transportation service extends across county boundaries so as to provide public transportation service in a metropolitan area, the county legislative bodies of two or more neighboring counties may elect to convene a multi-county conference. In addition, county-wide conferences may be convened by resolution of the legislative bodies of two or more cities within the county, not to exceed one in any twelve month period, or a petition signed by at least ten percent of the registered voters in the last general election of the city, county or city/county areas of a proposed benefit area. The ~~((chairman))~~ chair of the conference shall be elected from the members at large.

Sec. 74. RCW 36.58.030 and 1989 c 431 s 27 are each amended to read as follows:

As used in RCW 36.58.030 through 36.58.060, the term "transfer station" means a staffed, fixed supplemental facility used by persons and route collection vehicles to deposit solid wastes into transfer trailers for transportation to a disposal site. This does not include detachable containers, except in ~~((third class or smaller))~~ counties with a

population of less than seventy thousand, and in any ((first-class)) county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand that is located east of the crest of the Cascade mountain range, where detachable containers shall be securely fenced, staffed by an attendant during all hours when the detachable container is open to the public, charge a tipping fee that shall cover the cost of providing and for use of the service, and shall be operated as a transfer station.

Sec. 75. RCW 36.58.100 and 1982 c 175 s 1 are each amended to read as follows:

The legislative authority of any county ((other than a class-AA county)) with a population of less than one million is authorized to establish one or more solid waste disposal districts within the county for the purpose of providing and funding solid waste disposal services. No solid waste disposal district may include any area within the corporate limits of a city or town unless the city or town governing body adopts a resolution approving inclusion of the area within its limits. The county legislative authority may modify the boundaries of the solid waste disposal district by the same procedure used to establish the district. A solid waste disposal district may be dissolved by the county legislative authority after holding a hearing as provided in RCW 36.58.110.

As used in RCW 36.58.100 through 36.58.150 the term "county" includes all counties other than ((class-AA counties)) a county with a population of one million or more.

A solid waste disposal district is a quasi-municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

A solid waste disposal district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute: PROVIDED, That a solid waste disposal district shall not have the power of eminent domain.

The county legislative authority shall be the governing body of a solid waste disposal district. The electors of a solid waste disposal district shall be all registered voters residing within the district.

NEW SECTION. Sec. 76. A new section is added to chapter 36.62 RCW to read as follows:

All work ordered and materials purchased by a hospital shall be subject to the requirements established in RCW 70.44.140 for public hospital districts.

Sec. 77. RCW 36.64.060 and 1985 c 7 s 105 are each amended to read as follows:

Whenever the ((board of county commissioners)) county legislative authority of a county ((of the first class)) with a population of one hundred twenty-five thousand or more deems it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW 36.67.010. Such construction or aid in construction is a county purpose.

Sec. 78. RCW 36.64.070 and 1965 c 24 s 1 are each amended to read as follows:

Any ((class-AA or class-A)) county with a population of two hundred ten thousand or more may contract with any city or cities within such county for the financing, erection, ownership, use, lease, operation, control or maintenance of any building or buildings, including open spaces, off-street parking facilities for the use of county and city employees and persons doing business with such county or city, plazas and other improvements incident thereto, for county or city, or combined county-city, or other public use. Property for such buildings and related improvements may be acquired by either such county or city or by both by lease, purchase, donation, exchange, and/or gift or by eminent domain in the manner provided by law for the exercise of such power by

counties and cities respectively and any property acquired hereunder, together with the improvements thereon, may be sold, exchanged or leased, as the interests of said county, city or cities may from time to time require.

Sec. 79. RCW 36.69.010 and 1990 c 32 s 1 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed (~~in each and every class of county~~) as municipal corporations for the purpose of providing leisure time activities and facilities and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, community centers, and other recreational facilities.

Sec. 80. RCW 36.70.540 and 1963 c 4 s 36.70.540 are each amended to read as follows:

Whenever a (~~board~~) county legislative authority has approved by motion and certified all or part of a comprehensive plan, no (~~street~~) road, square, park or other public ground or open space shall be acquired by dedication or otherwise (~~no street shall be disposed of, closed or abandoned,~~) and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by the planning agency. The report by the planning agency shall set forth the manner and the degree to which the proposed project does or does not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the (~~board~~) county legislative authority, such officer or governmental body shall report the project to the planning agency and the planning agency shall render its report to such officer or governmental body. In both cases the report of the planning agency shall be advisory only. Failure of the planning agency to report on such matter so referred to it within forty days or such longer time as the (~~board~~) county legislative authority or other governmental officer or body may indicate, shall be deemed to be approval.

NEW SECTION. Sec. 81. A new section is added to chapter 36.77 RCW to read as follows:

In lieu of the procedure for awarding contracts that is provided in RCW 36.77.020 through 36.77.040, a county may award contracts for public works projects on county roads with an estimated value of one hundred thousand dollars or less using a small works roster process as provided in section 109 of this act.

Sec. 82. RCW 36.78.020 and 1965 ex.s. c 120 s 2 are each amended to read as follows:

"Standards of good practice" shall mean general and uniform practices formulated and adopted by the board relating to the administration of county roads (~~for the several classes of counties~~) which shall apply to engineering, maintenance, traffic control, safety, planning, programming, road classification, road inventories, budgeting and accounting procedures, equipment policies, and personnel policies.

Sec. 83. RCW 36.78.040 and 1965 ex.s. c 120 s 4 are each amended to read as follows:

Six members of the county road administration board shall be county (~~commissioners~~) legislative authority members and three members shall be county engineers. If any member, during the term for which he or she is appointed ceases to be either a (~~county commissioner~~) member of a county legislative authority or a county engineer, as the case may be, his or her membership on the county road administration board is likewise terminated. Three members of the board shall be from counties (~~of the following classes: Class AA, class A, or first class~~) with a population of one hundred

twenty-five thousand or more. Four members shall be from counties ((of the following classes: Second class, third class, fourth class, or fifth class)) with a population of from twelve thousand to less than one hundred twenty-five thousand. Two members shall be from counties ((of the following classes: Sixth class, seventh class, eighth class, or ninth class)) with a population of less than twelve thousand. Not more than one member of the board shall be from any one county.

Sec. 84. RCW 36.79.140 and 1990 c 42 s 104 are each amended to read as follows:

At the time the board reviews the six-year program of each county each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 36.79.130, the portion of the rural arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve rural arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 36.79.090. Only those counties that during the preceding twelve months have spent all revenues collected for road purposes only for such purposes, including traffic law enforcement, as are allowed to the state by Article II, section 40 of the state Constitution are eligible to receive funds from the rural arterial trust account: PROVIDED HOWEVER, That counties ((of the seventh class)) with a population of from five thousand to less than eight thousand are exempt from this eligibility restriction: AND PROVIDED FURTHER, That counties expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050 are also exempt from this eligibility restriction. The board shall authorize rural arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve rural arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The board may, within the constraints of available rural arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting county that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the county was developed. The proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 36.79.080.

Sec. 85. RCW 36.80.010 and 1984 c 11 s 1 are each amended to read as follows:

The ((board)) county legislative authority of each county with a population of eight thousand or more shall employ a full-time county road engineer residing in the county. ((In seventh, eighth, and ninth class counties it may employ)) The county legislative authority of each other county shall employ a county engineer on either a full-time or part-time basis who need not be a resident of the county, or ((it)) may contract with ((other counties)) another county for the engineering services of a county road engineer from such other ((counties)) county.

Sec. 86. RCW 36.81.130 and 1975 1st ex.s. c 21 s 4 are each amended to read as follows:

The laying out, construction, and maintenance of all county roads shall hereafter be in accordance with the following procedure:

On or before the first Monday in ((July)) October of each year each county road engineer shall file with the county legislative authority a recommended plan for the laying out, construction, maintenance, and special maintenance of county roads for the ensuing fiscal year. Such recommended plan need not be limited to but shall include the following items: Recommended projects, including capital expenditures for ferries, docks, and related facilities, and their priority; the estimated cost of all work, including labor and

materials for each project recommended; a statement as to whether such work is to be done by the county forces or by publicly advertised contract; a list of all recommended repairs to and purchases of road equipment, together with the estimated costs thereof. Amounts to be expended for maintenance and special maintenance shall be recommended, but details of these proposed expenditures shall not be made. The recommended plan shall conform as nearly as practicable to the county's long range road program.

~~((Within two weeks after the))~~ After filing of the road engineer's recommended plan, the county legislative authority shall consider the same. Revisions and changes may be made until a plan which is agreeable to a majority of the members of the county legislative authority has been adopted: PROVIDED, That such revisions shall conform as nearly as practicable to the county's long range road program. Any appropriations contained in the county road budget shall be void unless the county's road plan was adopted prior to such appropriation.

The final road plan for the fiscal year shall not thereafter be changed except by unanimous vote of the county legislative authority.

Sec. 87. RCW 36.82.020 and 1963 c 4 s 36.82.020 are each amended to read as follows:

Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes ~~((entirely within the limits of the road district from which the same was or is collected: PROVIDED, That nothing in this section shall prevent the loan or rental of equipment by one road district to another road district in the county))~~.

Sec. 88. RCW 36.82.160 and 1969 ex.s. c 182 s 14 are each amended to read as follows:

Each ~~((board of county commissioners))~~ county legislative authority, with the assistance of the county road engineer, shall prepare and file with the county auditor on or before the second Monday in August in each year, detailed and itemized estimates of all expenditures required in the county for the ensuing fiscal year. In the preparation and adoption of the county road budget the ~~((board))~~ legislative authority shall determine and budget ~~((the respective percentages of the))~~ sums to become available for the following county road purposes: (1) Administration; (2) bond and warrant retirement; (3) maintenance; (4) construction; (5) operation of equipment rental and revolving fund; and (6) such other items relating to the county road budget as may be required by the county road administration board; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

Sec. 89. RCW 36.87.020 and 1985 c 369 s 4 are each amended to read as follows:

~~((Ten freeholders residing in the vicinity of))~~ Owners of the majority of the frontage on any county road or portion thereof may petition the county legislative authority to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The legislative authority may (1) require the petitioners to make an appropriate cash deposit or furnish an appropriate bond against which all costs and expenses incurred in the examination, report, and proceedings pertaining to the petition shall be charged; or (2) by ordinance or resolution require the petitioners to pay a fee adequate to cover such costs and expenses.

NEW SECTION. Sec. 90. A new section is added to chapter 36.88 RCW to read as follows:

At its option, a county may include the value of right of way or property that is donated or given to the county for purposes of an improvement to be financed by a road improvement district, together with the costs of acquiring other rights of way or property for the improvement that was not donated or given to the county, in the costs of the

improvement and credit or reduce the assessments imposed on benefited property for the value of the right of way or property that the owner of the benefited property donated or gave to the county for the improvement.

Sec. 91. RCW 36.93.030 and 1969 ex.s. c 111 s 1 are each amended to read as follows:

(1) There is hereby created and established in each ~~((class AA and class A))~~ county with a population of two hundred ten thousand or more a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any other ~~((class))~~ county in the following manner:

(a) The ~~((board of))~~ county ~~((commissioners))~~ legislative authority may, by majority vote, adopt a resolution establishing a boundary review board; or

(b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his or her name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority, together with his or her certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall submit the question of whether a boundary review board should be established to the electorate at the next county primary or county general election which occurs more than ~~((thirty))~~ forty-five days from the date of receipt of the petition. Notice of the election shall be given as provided in RCW 29.27.080 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 92. RCW 36.93.040 and 1967 c 189 s 4 are each amended to read as follows:

For the purposes of this chapter, ~~((counties other than class AA and class A))~~ each county with a population of less than two hundred ten thousand shall be deemed to have established a boundary review board(s) on and after the date a proposition for establishing the same has been approved at an election as provided for in RCW 36.93.030, or on and after the date of adoption of a resolution of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority establishing the same as provided for in RCW 36.93.030.

Sec. 93. RCW 36.93.051 and 1989 c 84 s 17 are each amended to read as follows:

The boundary review board in ~~((class AA counties))~~ each county with a population of one million or more shall consist of eleven members chosen as follows:

(1) Three persons shall be appointed by the governor;

(2) Three persons shall be appointed by the county appointing authority;

(3) Three persons shall be appointed by the mayors of the cities and towns located within the county; and

(4) Two persons shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and two initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and two initial appointees to serve terms of three years, if the appointments are made in an even-

numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The county appointing authority shall designate one of its initial appointees to serve a term of two years, and two of its initial appointees to serve terms of four years, if the appointments are made in an odd-numbered year, or one of its initial appointees to serve a term of one year, and two of its initial appointees to serve terms of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The mayors making the initial city and town appointments shall designate two of their initial appointees to serve terms of two years, and one of their initial appointees to serve a term of four years, if the appointments are made in an odd-numbered year, or two of their initial appointees to serve terms of one year, and one of their initial appointees to serve a term of three years, if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of February in the year the appointment was made.

The board shall make two initial appointments from the nominees of special districts, with one appointee serving a term of four years and one initial appointee serving a term of two years, if the appointments are made in an odd-numbered year, or one initial appointee serving a term of three years and one initial appointee serving a term of one year if the appointments are made in an even-numbered year, with the length of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

Sec. 94. RCW 36.93.061 and 1989 c 84 s 18 are each amended to read as follows:

The boundary review board in (~~all counties other than class AA counties~~) each county with a population of less than one million shall consist of five members chosen as follows:

- (1) Two persons shall be appointed by the governor;
- (2) One person shall be appointed by the county appointing authority;
- (3) One person shall be appointed by the mayors of the cities and towns located within the county; and
- (4) One person shall be appointed by the board from nominees of special districts in the county.

The governor shall designate one initial appointee to serve a term of two years, and one initial appointee to serve a term of four years, if the appointments are made in an odd-numbered year, or one initial appointee to serve a term of one year, and one initial appointee to serve a term of three years, if the appointments are made in an even-numbered year, with the length of a term being calculated from the first day of February in the year that the appointment was made.

The initial appointee of the county appointing authority shall serve a term of two years, if the appointment is made in an odd-numbered year, or a term of one year, if the appointment is made in an even-numbered year. The initial appointee by the mayors shall serve a term of four years, if the appointment is made in an odd-numbered year, or a term of three years, if the appointment is made in an even-numbered year. The length of the term shall be calculated from the first day in February in the year the appointment was made.

The board shall make one initial appointment from the nominees of special districts to serve a term of two years if the appointment is made in an odd-numbered year, or a term of one year if the appointment is made in an even-numbered year, with the length

of the term being calculated from the first day of March in the year in which the appointment is made.

After the initial appointments, all appointees shall serve four-year terms.

No appointee may be an official or employee of the county or a governmental unit in the county, or a consultant or advisor on a contractual or regular retained basis of the county, any governmental unit in the county, or any agency or association thereof.

Sec. 95. RCW 36.93.063 and 1989 c 84 s 19 are each amended to read as follows:

The executive of the county shall make the appointments under RCW 36.93.051 and 36.93.061 for the county, if one exists, or otherwise the county legislative authority shall make the appointments for the county.

The mayors of all cities and towns in the county shall meet on or before the last day of January in each odd-numbered year to make such appointments for terms to commence on the first day of February in that year. The date of the meeting shall be called by the mayor of the largest city or town in the county, and the mayor of the largest city or town in the county who attends the meeting shall preside over the meeting. Selection of each appointee shall be by simple majority vote of those mayors who attend the meeting.

Any special district in the county may nominate a person to be appointed to the board on or before the last day of January in each odd-numbered year that the term for this position expires. The board shall make its appointment of a nominee or nominees from the special districts during the month of February following the date by which such nominations are required to be made.

The county appointing authority and the mayors of cities and towns within the county shall make their initial appointments for newly created boards within sixty days of the creation of the board or shall make sufficient additional appointments to increase a five-member board to an eleven-member board within sixty days of the date the county (~~(becomes a class AA county)~~) obtains a population of one million or more. The board shall make its initial appointment or appointments of board members from the nominees of special districts located within the county within ninety days of the creation of the board or shall make an additional appointment of a board member from the nominees of special districts located within the county within ninety days of the date the county (~~(becomes a class AA county)~~) obtains a population of one million or more.

The term of office for all appointees other than the appointee from the special districts shall commence on the first day of February in the year in which the term is to commence. The term of office for the appointee from nominees of special districts shall commence on the first day of March in the year in which the term is to commence.

Vacancies on the board shall be filled by appointment of a person to serve the remainder of the term in the same manner that the person whose position is vacant was filled.

Sec. 96. RCW 36.93.100 and 1989 c 84 s 3 are each amended to read as follows:

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

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

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

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of water mains of six inches or less in diameter; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district where such extension is through the installation of sewer mains of eight inches or less in diameter;

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

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

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

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

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

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

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

Sec. 97. RCW 36.93.140 and 1967 c 189 s 14 are each amended to read as follows:

Actions described in RCW 36.93.090 which are pending July 1, 1967, or actions in counties (~~other than class AA or class A~~) with populations of less than two hundred ten thousand which are pending on the date of the creation of a boundary review board therein, shall not be affected by the provisions of this chapter. Actions shall be deemed pending on and after the filing of sufficient petitions initiating the same with the appropriate public officer, or the performance of an official act initiating the same.

Sec. 98. RCW 36.95.020 and 1971 ex.s. c 155 s 2 are each amended to read as follows:

A district's boundary may include any part or all of any (~~class~~) county and may include any part or all of any incorporated area located within the county. A district's boundary may not include any territory already being served by a cable TV system (CATV) unless on August 9, 1971, there is a translator station retransmitting television signals to such territory.

NEW SECTION. Sec. 99. PURPOSE. Voters of the unincorporated areas of the state are authorized to establish community councils as provided in this chapter.

It is the purpose of this chapter to provide voters of unincorporated areas in counties with a population of over thirty thousand that are made up entirely of islands with direct input on the planning and zoning of their community by establishing a governmental mechanism to adopt proposed community comprehensive plans and proposed community zoning ordinances that are consistent with an overall guide and framework adopted by the county legislative authority. In addition, it is the purpose of this chapter to have community councils serve as forums for the discussion of local issues.

NEW SECTION. Sec. 100. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means a portion of the unincorporated area for which a community council has been established and which is located in a county with a population of over thirty thousand that is made up entirely of islands.

(2) "Community comprehensive plan" means a comprehensive plan adopted by a community council.

(3) "Community council" means the governing body established under this chapter to adopt community comprehensive plans and community zoning ordinances for a community.

(4) "Community zoning ordinances" means the zoning ordinances adopted by a community council to implement a community comprehensive plan.

NEW SECTION. Sec. 101. MINIMUM REQUIREMENTS FOR A COMMUNITY COUNCIL. A community for which a community council is created may include only unincorporated territory located in a single county with a population of over thirty thousand that is made up entirely of islands and not included within a city or town. A community council must have at least one thousand persons residing within the community when the community council is created or, where the community only includes an entire island, at least three hundred persons must reside on the island when the community council is created. Any portion of such a community that is annexed by a city or town, or is incorporated as a city or town, shall be removed from the community upon the effective date of the annexation or the official date of the incorporation.

NEW SECTION. Sec. 102. CREATION. (1) The process to create a community council shall be initiated by the filing of petitions with the county auditor of the county in which the community is located which: (a) Call for the creation of a community council; (b) set forth the boundaries for the community; (c) indicate the number of community councilmembers, which shall be five, seven, nine, or eleven; and (d) contain signatures of voters residing within the community equal in number to at least ten percent of the voters residing in the community who voted at the last state general election. The county auditor shall determine if the petitions contain a sufficient number of valid signatures and certify the sufficiency of the petitions within fifteen days of when the petitions were filed. If the petitions are certified as having sufficient valid signatures, the county auditor shall transmit the petitions and certificate to the county legislative authority.

(2) The county legislative authority shall hold a public hearing within the community on the creation of the proposed community council no later than sixty days after the petitions and certificate of sufficiency were transmitted to the county legislative authority. Notice of the public hearing shall be published in a newspaper of general circulation in the community for at least once a week for two consecutive weeks, with the last date of publication no more than ten days prior to the date of the public hearing. At least ten days before the public hearing, additional notice shall be posted conspicuously in at least five places within the proposed community in a manner designed to attract public attention.

(3) After receiving testimony on the creation of the proposed community council, the county legislative authority may alter the boundaries of the community, but the boundaries may not be altered to reduce the number of persons living within the community by more than ten percent or below the minimum number of residents who must reside within the community at the time of the creation of the community council. If territory is added to the community, another public hearing on the proposal shall be held.

(4) The county legislative authority shall call a special election within the community to determine whether the proposed community council shall be created, and to elect the initial community councilmembers, at the next state general election occurring seventy-five or more days after the initial public hearing on the creation of the proposed community council. The community council shall be created if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition.

NEW SECTION. Sec. 103. ELECTION OF INITIAL COMMUNITY COUNCILMEMBERS. The initial members of the community council shall be elected at the same election as the ballot proposition is submitted authorizing the creation of the community council. However, the election of the initial community councilmembers shall be null and void if the ballot proposition authorizing the creation of the community council is not approved.

No primary election shall be held to nominate candidates for initial council positions. The initial community council shall consist of the candidate for each council position who receives the greatest number of votes for that council position. Staggering of terms of office shall be accomplished by having the majority of the winning candidates who receive the greatest number of votes being elected to four-year terms of office, and the remaining winning candidates being elected to two-year terms of office, if the election was held in an even-numbered year, or the majority of the winning candidates who receive the greatest number of votes being elected to three-year terms of office, and the remaining winning candidates being elected to one-year terms of office, if the election was held in an odd-numbered year, with the term computed from the first day of January in the year following the election. Initial councilmembers shall take office immediately when qualified in accordance with RCW 29.01.135.

However, where the county operates under a charter providing for the election of members of the county legislative authority in odd-numbered years, the terms of office of the initial councilmembers shall be four years and two years, if the election of the initial councilmembers was held on an odd-numbered year, or three years and one year, if the election of the initial councilmembers was held on an even-numbered year.

NEW SECTION. Sec. 104. COMMUNITY COUNCILMEMBERS. Community councilmembers shall be elected to staggered four-year terms until their successors are elected and qualified. Each council position shall be numbered separately. Candidates shall run for specific council positions. The number of council positions shall be five, seven, nine, or eleven, as specified in the petition calling for the creation of the community council.

Community councilmembers shall be nominated and elected at nonpartisan elections pursuant to general election laws, except the elections shall be held in even-numbered years, unless the county operates under a charter and members of the county legislative authority are elected in odd-numbered years, in which case, community councilmembers shall be elected in odd-numbered years.

The provisions of this section apply to the election and terms of office of the initial community councilmembers, except as provided in section 103 of this act.

A councilmember shall lose his or her council position if his or her primary residence no longer is located within the community. Vacancies on a community council shall be filled by action of the remaining councilmembers.

NEW SECTION. Sec. 105. RESPONSIBILITY OF COUNTY LEGISLATIVE AUTHORITY. (1) Within ninety days of the election at which a community council is created, the county legislative authority shall adopt an ordinance establishing policies and conditions and designating portions or components of the county comprehensive plan and zoning ordinances that serve as an overall guide and framework for the development of proposed community comprehensive plans and proposed community zoning ordinances. The conditions and policies shall conform with the requirements of chapter 36.70A RCW.

(2) Proposed community comprehensive plans and proposed community zoning ordinances that are adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of the proposed plans and proposed ordinances with the ordinance adopted under subsection (1) of this section. The county legislative authority shall either approve the proposed plans and proposed ordinances as adopted, or refer the proposed plans and proposed ordinances back to the community council with written findings specifying the inconsistencies, within ninety days after they

were submitted. The county comprehensive plan, or subarea plan and comprehensive plan, and zoning ordinances shall remain in effect in the community until the proposed community comprehensive plans and proposed community zoning ordinances have been approved as provided in this subsection.

(3) Each proposed amendment to approved community comprehensive plans or approved community zoning ordinances that is adopted by a community council shall be submitted to the county legislative authority for its review of the consistency of the amendment with the ordinance adopted under subsection (1) of this section. The county legislative authority shall either approve the proposed amendment as adopted or refer the proposed amendment back to the community council with written findings specifying the inconsistencies within ninety days after the proposed amendment was submitted. The unamended community comprehensive plans and unamended community zoning ordinances shall remain in effect in the community until the proposed amendment has been approved as provided in this subsection.

(4) If the county legislative authority amends the ordinance it adopted under subsection (1) of this section, a community council shall be given at least one hundred twenty days to amend its community comprehensive plans and community zoning ordinances to be consistent with this amended ordinance. However, the county legislative authority may amend the community comprehensive plans and community zoning ordinances to achieve consistency with this amended ordinance. Nothing in this subsection shall preclude a community council from subsequently obtaining approval of its proposed community comprehensive plans and proposed community zoning ordinances.

(5) Approved community comprehensive plans and approved community zoning ordinances shall be enforced by the county as if they had been adopted by the county legislative authority. All quasi-judicial actions and permits relating to these plans and ordinances shall be made and decided by the county legislative authority or otherwise as provided by the county legislative authority.

(6) The county shall provide administrative and staff support for each community council within its boundaries.

NEW SECTION. Sec. 106. **POWERS OF A COMMUNITY COUNCIL.** A community council shall adopt proposed community comprehensive plans and proposed community zoning ordinances as provided in section 105 of this act. Community councils shall not have the authority to take quasi-judicial actions nor to decide permit applications. In addition, a community council shall serve as a forum for the discussion of local issues.

Community councils are subject to chapter 42.30 RCW, the open public meetings act.

NEW SECTION. Sec. 107. **ANNEXATION.** A community council may provide for the annexation of adjacent unincorporated areas to the community that are not included within another community for which a community council has been established. Annexations shall be initiated by either resolution of the community council proposing the annexation or petition of voters residing in the adjacent area, which petition: (a) Requests the annexation; (b) sets forth the boundaries of the area proposed to be annexed; and (c) contains signatures of voters residing within the area that is proposed to be annexed equal in number to at least ten percent of the voters residing in that area who voted at the last state general election. Annexation petitions shall be filed with the county auditor who shall determine if the petitions contain a sufficient number of valid signatures, certify the sufficiency of the petitions, and notify the community council of the sufficiency of the petitions within fifteen days of when the petitions are submitted.

A ballot proposition authorizing the annexation shall be submitted to the voters of the area that is proposed to be annexed at a primary or general election in either an odd-numbered or even-numbered year, if the community council initiated the annexation by resolution or if the community council concurs in an annexation that was initiated by the

submission of annexation petitions containing sufficient valid signatures. The annexation shall occur if the ballot proposition authorizing the creation of the community is approved by a simple majority vote of the voters voting on the proposition. The county's comprehensive plan, and where applicable to the county's subarea plan, and zoning ordinances shall continue in effect in the annexed area until proposed amendments to the approved community comprehensive plans and approved community zoning ordinance have been approved that apply to the annexed area.

NEW SECTION. Sec. 108. DISSOLUTION. A community council shall be dissolved if the population of the community is reduced to less than five hundred persons, or less than two hundred persons if the community only includes an entire island.

At the next general election at which community councilmembers would be elected, occurring at least four years after the creation or reestablishment of a community, a ballot proposition shall be submitted to the voters of the community on whether the community shall be reestablished. If reestablished, the newly elected members of the community council and the retained members of the community council shall constitute the members of the community council.

NEW SECTION. Sec. 109. A new section is added to chapter 39.04 RCW to read as follows:

(1) This section provides a uniform process to award contracts for public works projects by those counties that are authorized to use a small works roster in lieu of the requirements for formal sealed bidding. The state statutes governing counties shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the small works roster process, for the county.

(2) Counties may create a single general small works roster, or may create a small works roster for different categories of anticipated work. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. At least once a year, the county shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters.

The governing body of the county shall establish a procedure for securing telephone or written quotations from the contractors on the general small works roster, or a specific small works roster for the appropriate category of work, to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Such invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible at least five contractors shall be invited to submit bids. Once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a proposal on a contract.

A contract awarded from a small works roster under this section need not be advertised.

Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

NEW SECTION. Sec. 110. A new section is added to chapter 39.04 RCW to read as follows:

(1) This section provides a uniform process to award contracts for the purchase of any materials, equipment, supplies, or services by those counties that are authorized to use this process in lieu of the requirements for formal sealed bidding. The state statutes governing counties shall establish the maximum dollar thresholds of the contracts that can be awarded under this process, and may include other matters concerning the awarding of contracts for purchases, for the county.

(2) At least once per year, the county shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of vendor lists and solicit the names of vendors for the lists. Counties shall by resolution establish a procedure for securing telephone or written quotations, or both, from at least three different vendors whenever possible to assure that a competitive price is established and for awarding the contracts for the purchase of any materials, equipment, supplies, or services to the lowest responsible bidder as defined in RCW 43.19.1911. Immediately after the award is made, the bid quotations obtained shall be recorded, open to public inspection, and shall be available by telephone inquiry. A contract awarded pursuant to this section need not be advertised.

NEW SECTION. Sec. 111. A new section is added to chapter 39.04 RCW to read as follows:

Any county that utilizes the small works roster process established in section 109 of this act to award contracts for public works projects, or the uniform process established in section 110 of this act to award contracts for purchases, must post a list of the contracts awarded under sections 109 and 110 of this act at least once every two months. The list shall contain the name of the contractor or vendor awarded the contract, the amount of the contract, a brief description of the type of work performed or items purchased under the contract, and the date it was awarded. The list shall also state the location where the bid quotations for these contracts are available for public inspection.

NEW SECTION. Sec. 112. A new section is added to chapter 39.30 RCW to read as follows:

Any county may purchase any supplies, equipment, or materials at auctions conducted by the government of the United States or any agency thereof, any agency of the state of Washington, any municipality or other government agency, or any private party without being subject to public bidding requirements if the items can be obtained at a competitive price.

Sec. 113. RCW 40.04.100 and 1979 c 151 s 49 are each amended to read as follows:

The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him or her.

(2) The state law librarian shall retain such copies as are necessary of each for the benefit of the state law library, the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he or she shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his or her office in the attorney general's suite; three copies for the office of prosecuting attorney, in ~~((class A counties))~~ each county with a population of two hundred ten thousand or more; two copies for such office in ~~((first class counties))~~ each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the office of financial management, and one copy to the division of inheritance tax and escheats; one copy each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library, two copies to the University of Puget Sound law library, and two copies to the Gonzaga University law school library and to such other

accredited law school libraries as are hereafter established in this state; six copies to the King county law library; and one copy to each county law library organized pursuant to law in ~~((class AA counties, class A counties and in counties of the first, second and third class))~~ each county with a population of forty thousand or more.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his or her judgment seems proper.

Sec. 114. RCW 41.14.040 and 1959 c 1 s 4 are each amended to read as follows:

Any counties ((of the fourth class or of lesser classifications)) with populations of less than forty thousand, whether contiguous or not, are authorized to establish and operate a combined civil service system to serve all counties so combined. The combination of any such counties shall be effective whenever each board of county commissioners of the counties involved adopts a resolution declaring intention to participate in the operation of a combined county civil service system in accordance with agreements made between any such counties. Any such combined county civil service commission shall serve the employees of each county sheriff's office impartially and according to need.

All matters affecting the combined civil service commission, including the selection of commissioners, shall be decided by majority vote of all the county commissioners of the counties involved.

All the provisions of this chapter shall apply equally to any such combined civil service system.

Sec. 115. RCW 41.14.065 and 1987 c 251 s 2 are each amended to read as follows:

Any ((class AA)) county with a population of one million or more may assign the powers and duties of the commission to such county agencies or departments as may be designated by charter or ordinance: PROVIDED, That the powers and duties of the commission under RCW 41.14.120 shall not be assigned to any other body but shall continue to be vested in the commission, which shall exist to perform such powers and duties, together with such other adjudicative functions as may be designated by charter or ordinance.

Sec. 116. RCW 41.14.070 and 1979 ex.s. c 153 s 3 are each amended to read as follows:

The classified civil service and provisions of this chapter shall include all deputy sheriffs and other employees of the office of sheriff in each county except the county sheriff in every county and an additional number of positions, designated the unclassified service, determined as follows:

	Unclassified Position Appointments
Staff Personnel	
1 through 10	2
11 through 2	3
21 through 5	4
51 through 100	5
101 and over	6

The unclassified position appointments authorized by this section must include selections from the following positions up to the limit of the number of positions authorized: Undersheriff, inspector, chief criminal deputy, chief civil deputy, jail superintendent, and administrative assistant or administrative secretary. The initial selection of specific positions to be exempt shall be made by the sheriff, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are to be exempt may be made only with the concurrence of the sheriff and the civil service commission, and then only after the civil service

commission has heard the issue in open meeting. Should the position or positions initially selected by the sheriff to be exempt (unclassified) pursuant to this section be under the classified civil service at the time of such selection, and should it (or they) be occupied, the employee(s) occupying said position(s) shall have the right to return to the next highest position or a like position under classified civil service.

The county legislative authority of any ((class AA)) county with a population of five hundred thousand or more operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions.

Sec. 117. RCW 41.14.210 and 1971 ex.s. c 214 s 3 are each amended to read as follows:

The county legislative ((body of each class AA and A)) authority or each county with a population of two hundred ten thousand or more may provide in the county budget for each fiscal year a sum equal to one percent of the preceding year's total payroll of those included under the jurisdiction and scope of this chapter. The funds so provided shall be used for the support of the commission. Any part of the funds so provided and not expended for the support of the commission during the fiscal year shall be placed in the general fund of the county, or counties according to the ratio of contribution, on the first day of January following the close of such fiscal year.

Sec. 118. RCW 41.28.020 and 1939 c 207 s 3 are each amended to read as follows:

A retirement system is hereby created and established in each city of the first class in each ((first class)) county with a population of one hundred twenty-five thousand or more to be known as the "employees' retirement system". This chapter shall become effective as to any such city when by ordinance of the city duly enacted its terms are expressly accepted and made applicable thereto. This section shall not be construed as preventing performance before July 1, 1939, of any preliminary work which any city council, city commission or board of administration shall deem necessary.

Sec. 119. RCW 41.56.030 and 1989 c 275 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body. For the purposes of this section, the public employer of district court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (d) who is a personal assistant to a district judge or court commissioner. For the purpose of (d) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit

of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter. In the case of the Washington state patrol, "collective bargaining" shall not include wages and wage-related matters.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of any county (~~(of the second class or larger)~~) with a population of seventy thousand or more, or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

Sec. 120. RCW 42.23.030 and 1990 c 33 s 573 are each amended to read as follows:

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality, other than a county (~~(of the first class or higher)~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district, for unskilled day labor at wages not exceeding one hundred dollars in any calendar month;

(6) The letting of any other contract (except a sale or lease as seller or lessor) by a municipality, other than a county (~~(of the first class or higher)~~) with a population of one hundred twenty-five thousand or more, a city of the first or second class, an irrigation district encompassing in excess of fifty thousand acres, or a first class school district: PROVIDED, That the total volume of business represented by such contract or contracts in which a particular officer is interested, singly or in the aggregate, as measured by the dollar amount of the municipality's liability thereunder, shall not exceed seven hundred fifty dollars in any calendar month: PROVIDED FURTHER, That in the case of a particular officer of a third class city or town (~~(of the third, or fourth class)~~), or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total volume of such contract or contracts authorized in this subsection may exceed seven hundred fifty dollars in any calendar month but shall not exceed nine thousand dollars in any calendar year: PROVIDED FURTHER, That there shall be public disclosure by having an available list of such purchases or contracts, and if the supplier or contractor is an official of the municipality, he or she shall not vote on the authorization;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers, who shall be appointed from members of the American institute of real estate

appraisers by the presiding judge of the superior court in the county where the property is situated, shall find and the court finds that all terms and conditions of such lease are fair to the port district and are in the public interest;

(8) The letting of any contract for the driving of a school bus in a second class school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of any contract to the spouse of an officer of a second class school district in which less than two hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a certificated or classified employee of the school district, or the letting of any contract to the spouse of an officer of a second class district in which less than five hundred full time equivalent students are enrolled at the start of the school year as defined in RCW 28A.150.040, when such contract is solely for employment as a substitute teacher for the school district: PROVIDED, That the terms of such contract shall be commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district.

Sec. 121. RCW 43.99C.045 and 1989 c 265 s 1 are each amended to read as follows:

Subject to legislative appropriation, all principal proceeds of the bonds and bond anticipation notes authorized in this chapter shall be administered by the state department of social and health services exclusively for the purposes specified in this chapter and for the payment of expenses incurred in connection with the sale and issuance of the bonds and bond anticipation notes.

In carrying out the purposes of this chapter all counties of the state shall be eligible to participate in the distribution of the bond proceeds. The share coming to each county shall be determined by a division among all counties according to the relation which the population of each county, as shown by the last federal or official state census, whichever is the later, bears to the total combined population of all counties, as shown by such census; except that, each (~~sixth, seventh, or eighth class~~) county with a population of less than twelve thousand shall receive an aggregate amount of up to seventy-five thousand dollars if, through a procedure established in rule, the department has determined there is a demonstrated need and the share determined for such county is less than seventy-five thousand dollars. No single project in a (~~class AA~~) county with a population of one million or more shall be eligible for more than fifteen percent of such county's total distribution of bond proceeds.

In carrying out the purposes specified in this chapter, the department may use or permit the use of the proceeds by direct expenditures, grants, or loans to any public body, including but not limited to grants to a public body as matching funds in any case where federal, local, or other funds are made available on a matching basis for purposes specified in this chapter.

In carrying out the purpose of this chapter, fixed assets acquired under this chapter, and no longer utilized by the program having custody of the assets, may be transferred to other public bodies either in the same county or another county. Prior to such transfer the department shall first determine if the assets can be used by another program as designated by the department of social and health services in RCW 43.99C.020. Such programs shall have priority in obtaining the assets to ensure the purpose of this chapter is carried out.

Sec. 122. RCW 46.09.240 and 1986 c 206 s 9 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the interagency committee for outdoor recreation shall, at

least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 to state agencies, counties, municipalities, federal agencies, and Indian tribes.

The committee shall adopt rules governing applications for funds administered by the agency under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(2) The interagency committee shall require each applicant for land acquisition or development funds under this section to conduct, before submitting the application, a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks as follows:

(a) In the newspaper of general circulation published nearest the proposed project;

(b) In the newspaper having the largest circulation in the county or counties where the proposed project is located; and

(c) If the proposed project is located in a county (~~(of class four or lower)~~) with a population of less than forty thousand, the notice shall also be published in the newspaper having the largest circulation published in the nearest county that (~~(is class three or above)~~) has a population of forty thousand or more.

(3) The notice shall state that the purpose of the hearing is to solicit comments regarding an application being prepared for submission to the interagency committee for outdoor recreation for acquisition or development funds under the off-road and nonhighway vehicle program. The applicant shall file notice of the hearing with the department of ecology at the main office in Olympia and shall comply with the State Environmental Policy Act, chapter 43.21C RCW. A written record and a magnetic tape recording of the hearing shall be included in the application.

Sec. 123. RCW 46.52.100 and 1987 c 3 s 18 are each amended to read as follows:

Every district court, municipal court, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to the court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the district court, municipal court, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of the party's driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at the director's office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all district courts shall be before one of the two nearest district judges in incorporated cities and towns nearest to the point the violation allegedly occurred: **PROVIDED, That in counties (~~of class A and of the first class~~) with populations of one hundred twenty-five thousand or more such cases may be tried in the county seat at the request of the defendant.**

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

Sec. 124. RCW 47.26.121 and 1990 c 266 s 4 are each amended to read as follows:

(1) There is hereby created a transportation improvement board of fifteen members, six of whom shall be county members and six of whom shall be city members. The remaining members shall be: (a) The assistant secretary of the department of transportation whose primary responsibilities relate to planning and public transportation; (b) the assistant secretary for highways of the department of transportation; and (c) the state aid engineer of the department of transportation.

(2) Of the county members of the board, one member shall be a county engineer from a county (~~of the first class or larger~~) with a population of one hundred twenty-five thousand or more; one member shall be a county engineer from a county (~~of the second class or smaller~~) with a population of less than one hundred twenty-five thousand; one member shall be the executive director of the county road administration board, created by RCW 36.78.060; two members shall be county executives, council members, or commissioners from counties (~~of the first class or larger~~) with a population of one hundred twenty-five thousand or more; one member shall be a county executive, council member, or commissioner from a county (~~of the second class or smaller~~) with a population of less than one hundred twenty-five thousand. All county members of the board, except the executive director of the county road administration board, shall be appointed. Not more than one county member of the board shall be from any one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers, public works directors, or other city employees with responsibility for public works activities, of cities over twenty thousand population; one shall be a chief city engineer, public works director, or other city employee with responsibility for public works activities, of a city of less than twenty thousand population; two shall be mayors, commissioners, or city council members of cities of more than twenty thousand population; and one shall be a mayor, commissioner, or council member of a city of less than twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from any one city.

(4) Appointments of county and city representatives shall be made by the secretary of the department of transportation, with initial appointments to be made by July 1, 1988. Appointees shall be chosen from a list of two persons for each position nominated by the Washington state association of counties for county members and the association of Washington cities for city members. Except as provided in subsection (5) of this section,

terms of appointment are four years. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes that term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(5) The initial appointment to the board for three county representatives and three city representatives shall be for terms of two years and the remainder of the appointments shall be for terms of four years. Terms of all appointed members shall expire on June 30th of even-numbered years.

(6) The board shall elect a chair from among its members for a two-year term.

(7) Expenses of the board, including administration of the transportation improvement program, shall be paid from the urban arterial account.

Sec. 125. RCW 47.76.030 and 1990 c 43 s 11 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts, counties, and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines;

(b) Operating railroad equipment necessary to maintain essential rail service;

(c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or

(d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) First class cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district, county, or port district. The repayment shall occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

(7) All earnings of investments of balances in the essential rail assistance account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

Sec. 126. RCW 47.76.040 and 1985 c 432 s 3 are each amended to read as follows:

The department shall sell property acquired under RCW 47.76.030 to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW 47.76.030 shall receive credit against the purchase price for the amount donated to the department, less

management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the department, the department may sell such property in the manner provided in RCW 47.76.050. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.060 or 47.76.080.

Sec. 127. RCW 47.76.160 and 1990 c 43 s 7 are each amended to read as follows:

(1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts, counties, and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in RCW 47.76.140 and 47.76.030 shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

(4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.

Sec. 128. RCW 53.12.010 and 1965 c 51 s 1 are each amended to read as follows:

The powers of the port district shall be exercised through a port commission consisting of three members. In any port ((districts located in a class AA)) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand or more the members shall be residents of the county in which the port district is located. In all other port districts, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district, and one commissioner shall be elected from each of said commissioner districts.

In port districts having additional commissioners as authorized by RCW 53.12.120 and 53.12.130, the powers of the port district shall be exercised through a port commission consisting of five members constituted as provided therein.

Sec. 129. RCW 53.12.020 and 1986 c 262 s 2 are each amended to read as follows:

In a port ((districts located in a class AA)) district with boundaries that are coterminous with the boundaries of a county with a population of five hundred thousand

or more no person shall be eligible to hold the office of port commissioner unless he or she is a qualified voter of the district. In all other port districts (~~except those located in a class AA county~~) the person must be a qualified voter of the commissioner district from which he or she is elected.

If, pursuant to RCW 29.21.350, a void in candidacy has been declared for a port district, any registered voter of the port district is eligible to file a declaration of candidacy for the office of port commissioner when filing for the office is reopened pursuant to RCW 29.21.360 or 29.21.370.

Sec. 130. RCW 53.12.035 and 1965 c 51 s 3 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in RCW 29.21.060, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.))~~ In port districts ~~((with five commissioners in existence on July 1, 1965))~~ that transition from a three-member board to a five-member board, the respective numbered port commissioner positions shall correspond to the numbers of the county ((commissioner)) legislative authority districts from which the three original commissioners in the port districts were elected, ((with the central district being numbered one)) if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.))~~

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

Sec. 131. RCW 53.12.035 and 1990 c 59 s 108 are each amended to read as follows:

~~((All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in Title 29 RCW, as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election.))~~ In port districts ~~((with five commissioners in existence on July 1, 1965,))~~ that transition from a three-member board to a five-member board the respective numbered port commissioner positions shall correspond to the numbers of the county ((commissioner)) legislative authority districts from which the three original commissioners in the port districts were elected, ((with the central district being numbered one)) if the county had a three-member county legislative authority, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

~~((In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for~~

the positions thus proposed to be created shall file declarations of candidacy for a specific position:))

Each candidate for a port commissioner position, including the initial port commissioner positions, shall file a declaration of candidacy for a specific position, whether or not the position is associated with a commissioner district.

Sec. 132. RCW 53.25.100 and 1955 c 73 s 10 are each amended to read as follows:

All port districts wherein industrial development districts have been established are authorized and empowered to acquire by purchase or condemnation or both, all lands, property and property rights necessary for the purpose of the development and improvement of such industrial development district and to exercise the right of eminent domain in the acquirement or damaging of all lands, property and property rights and the levying and collecting of assessments upon property for the payment of all damages and compensation in carrying out the provisions for which said industrial development district has been created; to develop and improve the lands within such industrial development district to make the same suitable and available for industrial uses and purposes; to dredge, bulkhead, fill, grade, and protect such property; to provide, maintain, and operate water, light, power and fire protection facilities and services, streets, roads, bridges, highways, waterways, tracks, and rail and water transfer and terminal facilities and other harbor and industrial improvements; to execute leases of such lands or property or any part thereof; to establish local improvement districts within such industrial development districts which may, but need not, be coextensive with the boundaries thereof, and to levy special assessments, under the mode of annual installments, over a period not exceeding ten years, on all property specially benefited by any local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of any improvement ordered in such local improvement district; to issue local improvement bonds in any such local improvement district; to be repaid by the collection of local improvement assessments; and generally to exercise with respect to and within such industrial development districts all the powers now or hereafter conferred by law upon port districts in counties ~~((of the first class))~~ with a population of one hundred twenty-five thousand or more: PROVIDED, That the exercise of powers hereby authorized and granted shall be in the manner now and hereafter provided by the laws of the state for the exercise of such powers by port districts under the general laws relating thereto insofar as the same shall not be inconsistent with this chapter.

Sec. 133. RCW 53.31.020 and 1986 c 276 s 2 are each amended to read as follows:

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

(1) "Port district" means any port district other than a county-wide port district in a ~~((class A or AA))~~ county with a population of two hundred ten thousand or more, established under Title 53 RCW.

(2) "Export services" means the following services when provided in order to facilitate the export of goods or services through Washington ports: International market research, promotion, consulting, marketing, legal assistance, trade documentation, communication and processing of foreign orders to and for exporters and foreign purchasers, financing, and contracting or arranging for transportation, insurance, warehousing, foreign exchange, and freight forwarding.

(3) "Export trading company" means an entity created by a port district under RCW 53.31.040.

(4) "Obligations" means bonds, notes, securities, or other obligations or evidences of indebtedness.

(5) "Person" means any natural person, firm, partnership, association, private or public corporation, or governmental entity.

Sec. 134. RCW 53.49.010 and 1943 c 282 s 1 are each amended to read as follows:

Whenever any port district located in any county (~~of the sixth class~~) with a population of from eight thousand to less than twelve thousand shall be dissolved and disestablished or is about to be dissolved and disestablished and any sums of money remain in any of its funds, the port commissioners are authorized and directed to apply by petition, which may be filed without fee, to the superior court of such county for an order authorizing the transfer of such funds to the school district fund or if there be more than one such district, the school district funds of all districts, which are located within the boundaries of such port district.

Sec. 135. RCW 54.16.180 and 1977 ex.s. c 31 s 1 are each amended to read as follows:

A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: PROVIDED, That the affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale: PROVIDED FURTHER, That a district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to another public utility district, city, town or other municipal corporation without the approval of the voters; or may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either within or without its boundaries, which has become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, without the approval of the voters: PROVIDED FURTHER, That a public utility district located within a county (~~of the first class~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand may sell and convey to a city of the first class, which owns its own water system, all or any part of a water system owned by said public utility district where a portion of it is located within the boundaries of such city, without approval of the voters upon such terms and conditions as the district shall determine: PROVIDED FURTHER, That a public utility district located in a (~~fifth class~~) county with a population of from twelve thousand to less than eighteen thousand and bordered by the Columbia river may, separately or in connection with the operation of a water system, or as part of a plan for acquiring or constructing and operating a water system, or in connection with the creation of another or subsidiary local utility district, may provide for the acquisition or construction, additions or improvements to, or extensions of, and operation of a sewage system within the same service area as in the judgment of the district commission is necessary or advisable in order to eliminate or avoid any existing or potential danger to the public health by reason of the lack of sewerage facilities or by reason of the inadequacy of existing facilities: AND PROVIDED FURTHER, That a public utility district located within a county (~~of the first class~~) with a population of from one hundred twenty-five thousand to less than two hundred ten thousand bordering on Puget Sound may sell and convey to any city of the third class or town all or any part of a water system owned by said public utility district without approval of the voters upon such terms and conditions as the district shall determine. Public utility districts are municipal corporations for the purposes of this section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns.

Sec. 136. RCW 56.04.120 and 1979 c 35 s 1 are each amended to read as follows:

(1) On and after March 16, 1979, any sewerage improvement districts created under Title 85 RCW and located in (~~third class counties~~) a county with a population of from forty thousand to less than seventy thousand shall become sewer districts and shall be

operated, maintained, and have the same powers as sewer districts created under Title 56 RCW, upon being so ordered by the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority of the county in which such district is located after a hearing of which notice is given by publication in a newspaper of general circulation within the district and mailed to any known creditors, holders of contracts and obligees at least thirty days prior to such hearing. After such hearing if the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority finds the converting of such district to be in the best interest of that district, it shall order that such sewer improvement district shall become a sewer district and fix the date of such conversion. All debts, contracts and obligations created while attempting to organize or operate a sewerage improvement district and all other financial obligations and powers of the district to satisfy such obligations established under Title 85 RCW are legal and valid until they are fully satisfied or discharged under Title 85 RCW.

(2) The board of supervisors of a sewerage improvement district in a ~~((third-class))~~ county with a population of from forty thousand to less than seventy thousand shall act as the board of commissioners of the sewer district created under subsection (1) of this section until other members of the board of commissioners of the sewer district are elected and qualified. There shall be an election on the same date as the 1979 state general election and the seats of all three members of the governing authority of every entity which was previously known as a sewerage improvement district in a ~~((third-class))~~ county with a population of from forty thousand to less than seventy thousand shall be up for election. The election shall be held in the manner provided for in RCW 56.12.020 for the election of the first board of commissioners of a sewer district. Thereafter, the terms of office of the members of the governing body shall be determined under RCW 56.12.020.

Sec. 137. RCW 57.90.010 and 1979 ex.s. c 30 s 11 are each amended to read as follows:

Water, sewer, park and recreation, metropolitan park, county rural library, cemetery, flood control, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts, and any air pollution control authority, hereinafter referred to as "special districts", which are located wholly or in part within a ~~((class-AA or A))~~ county with a population of two hundred ten thousand or more may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five year period.

Sec. 138. RCW 67.28.090 and 1967 c 236 s 2 are each amended to read as follows: There is created a stadium commission to consist of six members to be selected as follows:

The governor shall appoint a ~~((chairman))~~ chair and one other member of the commission.

Any ~~((class AA county, class A county, or first class))~~ county with a population of one hundred twenty-five thousand or more may within ninety days following June 8, 1967 submit to the governor a request that the commission conduct a study and investigation as provided in RCW 67.28.100 relative to the construction of a stadium within such county. Such request shall be supported by plans and other relevant information.

Within two weeks of the end of the ninety-day period, the governor and/or the two members of the commission appointed by him or her shall meet and consider any such requests, and shall accept that request which in their sole discretion appears to present the most feasible plan.

Thereupon, the ~~((board-of))~~ county ~~((commissioners))~~ legislative authority of the county whose request is accepted shall select two members from its body as members of the commission, and the mayor of the city having the largest population in such county shall appoint two members from such city's legislative body to the commission.

The commission shall meet at such time or times as may be designated either by the governor or by the ~~((chairman))~~ chair of the board, and shall serve without compensation. They shall receive, for time spent on the commission, per diem and mileage allowances in conformity with the amounts allowed for legislators under the provisions of RCW 44.04.120.

Sec. 139. RCW 67.28.180 and 1987 c 483 s 1 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this section upon the same taxable event.

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of ~~((subsection))~~ (a) of this subsection, to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued at any time pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used: (i) In ~~((class AA counties))~~ any county with a population of one million or more, for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, and equipping stadium capital improvement projects, and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred; or (ii) in ~~((counties))~~ other ~~((than class AA))~~ counties, for county-owned facilities for agricultural promotion.

As used in this subsection (2)(b), "capital improvement projects" may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county.

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art museums, cultural museums, the arts, and/or the performing arts.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a nonpublic entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on April 1, 1986.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

Sec. 140. RCW 67.28.240 and 1988 ex.s. c 1 s 21 are each amended to read as follows:

(1) The legislative body of a county that qualified under RCW 67.28.180(2)(b) other than a (~~class-AA~~) county with a population of one million or more and the legislative bodies of cities in the qualifying county are each authorized to levy and collect a special excise tax of two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) No city may impose the special excise tax authorized in subsection (1) of this section during the time the city is imposing the tax under RCW 67.28.180, and no county may impose the special excise tax authorized in subsection (1) of this section until such time as those cities within the county containing at least one-half of the total incorporated population have imposed the tax.

(3) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(4) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW

67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

Sec. 141. RCW 70.46.030 and 1969 ex.s. c 70 s 1 are each amended to read as follows:

A health district to consist of one county only and including all cities and towns therein except cities having a population of over one hundred thousand may be created whenever the (~~board of county commissioners~~) county legislative authority of the county shall pass a resolution to organize such a health district under chapter 70.05 RCW and RCW 70.46.020 through 70.46.090. The district board of health of such district shall consist of not less than five members, including the three members of the (~~board of county commissioners~~) county legislative authority of the county: PROVIDED, That if such health district consists of a county (~~of the second class~~) with a population of from seventy thousand to less than one hundred twenty-five thousand, the district board of health shall consist of not less than six members, including the three members of the (~~board of county commissioners~~) county legislative authority of the county and one person who is a qualified voter of an unincorporated rural area of the county and who is appointed by the legislative authority of the county. The remaining members shall be representatives of the cities and towns in the district selected by mutual agreement of the legislative bodies of the cities and towns concerned from their membership, taking into consideration the respective populations and financial contributions of such cities and towns.

At the first meeting of a district board of health, the members shall elect a chairman to serve for a period of one year.

Sec. 142. RCW 70.54.180 and 1979 ex.s. c 63 s 2 are each amended to read as follows:

(1) For the purpose of this section "telecommunication device" means an instrument for telecommunication in which speaking or hearing is not required for communicators.

(2) The county legislative authority of each (~~fourth class or larger~~) county with a population of eighteen thousand or more and the governing body of each city with a population in excess of ten thousand shall provide by July 1, 1980₁ for a telecommunication device in their jurisdiction or through a central dispatch office that will assure access to police, fire, or other emergency services.

(3) The county legislative authority of each (~~fifth class or smaller~~) county with a population of eighteen thousand or less shall by July 1, 1980₁ make a determination of whether sufficient need exists with their respective counties to require installation of a telecommunication device. Reconsideration of such determination will be made at any future date when a deaf individual indicates a need for such an instrument.

Sec. 143. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are each reenacted and amended to read as follows:

(1) In each county of the state there is hereby created an air pollution control authority, which shall bear the name of the county within which it is located. The boundaries of each authority shall be coextensive with the boundaries of the county within which it is located. An authority shall include all incorporated and unincorporated areas of the county within which it is located.

(2) All authorities which are presently or may hereafter be within counties (~~of the first class, class A or class AA,~~) with populations of one hundred twenty-five thousand or more are hereby designated as activated authorities and shall carry out the duties and exercise the powers provided in this chapter. Those authorities hereby activated which encompass contiguous counties located in one or the other of the two major areas determined in RCW 70.94.011 are declared to be and directed to function as a multicounty authority.

(3) Except as provided in RCW 70.94.232, all other air pollution control authorities are hereby designated as inactive authorities.

(4) The boards of those authorities designated as activated authorities by this chapter shall be comprised of such appointees and/or members of county ((commissioners)) legislative authorities or other officers as is provided in RCW 70.94.100. The first meeting of the boards of those authorities designated as activated authorities by this chapter shall be on or before sixty days after June 8, 1967.

(5) The department is directed to conduct the necessary evaluations and delineate appropriate air pollution regions throughout the state, taking into consideration:

(a) The natural climatic and topographic features affecting the potential for buildup of air contaminant concentrations.

(b) The degree of urbanization and industrialization and the existence of activities which are likely to cause air pollution.

(c) The county boundaries as related to the air pollution regions and the practicality of administering air pollution control programs.

Sec. 144. RCW 70.94.055 and 1967 c 238 s 5 are each amended to read as follows:

The ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((other than a first class, class A or class AA county))~~ with a population of less than one hundred twenty-five thousand may activate an air pollution control authority following a public hearing on its own motion, or upon a filing of a petition signed by one hundred property owners within the county. If the ~~((board of))~~ county ~~((commissioners))~~ legislative authority determines as a result of the public hearing that:

(1) Air pollution exists or is likely to occur; and

(2) The city or town ordinances or county resolutions, or their enforcement, are inadequate to prevent or control air pollution, ~~((they))~~ it shall by resolution activate an air pollution control authority or combine with a contiguous county or counties to form a multicounty air pollution control authority.

Sec. 145. RCW 70.142.040 and 1984 c 187 s 3 are each amended to read as follows:

Each local health department serving a county ~~((of the first class or larger))~~ with a population of one hundred twenty-five thousand or more may establish water quality standards for its jurisdiction more stringent than standards established by the state board of health. Each local health department establishing such standards shall base the standards on the best available scientific information.

Sec. 146. RCW 71.05.135 and 1989 c 174 s 1 are each amended to read as follows:

In ~~((class A counties and counties of the first through ninth classes))~~ each county with a population of less than one million, the superior court may appoint the following persons to assist the superior court in disposing of its business: PROVIDED, That such positions may not be created without prior consent of the county legislative authority:

(1) One or more attorneys to act as mental health commissioners; and

(2) Such investigators, stenographers, and clerks as the court shall find necessary to carry on the work of the mental health commissioners.

The appointments provided for in this section shall be made by a majority vote of the judges of the superior court of the county and may be in addition to all other appointments of commissioners and other judicial attaches otherwise authorized by law. Mental health commissioners and investigators shall serve at the pleasure of the judges appointing them and shall receive such compensation as the county legislative authority shall determine. The appointments may be full or part-time positions. A person appointed as a mental health commissioner may also be appointed to any other commissioner position authorized by law.

Sec. 147. RCW 71.24.045 and 1991 c 29 s 2 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the

county's residents including children and other underserved populations who are acutely mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

- (a) Outpatient services;
- (b) Emergency care services for twenty-four hours per day;
- (c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;
- (d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;
- (e) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work;
- (f) Consultation and education services;
- (g) Residential and inpatient services, if the county chooses to provide such optional services; and
- (h) Community support services.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority;

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective((-));

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of service delivery as established by the department;

(5) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is ~~((equal to or greater than that of a county of the first class))~~ one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee

or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 148. RCW 72.09.300 and 1987 c 312 s 3 are each amended to read as follows:

(1) A county legislative authority may by resolution or ordinance establish a ((community corrections board which shall consist of nine members)) local law and justice council. The county legislative authority shall ((appoint four members to the board, two of whom shall be from the private sector. The secretary shall appoint one member to the board. In addition, the county prosecutor and county sheriff, or their designees, a judge of the county superior court selected by the county superior court judges, and a county district court judge, selected by the county district court judges, shall be members of the board)) determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives.

(2) ((If) A combination of counties ((establishes)) may establish a ((community corrections board, an)) local law and justice council by intergovernmental agreement ((shall establish the composition and powers of the board, not to exceed the authority granted in this section)). The agreement shall comply with the requirements of this section.

(3) The ((community corrections board)) local law and justice council shall develop a ((community corrections)) local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize local resources, reduce duplication of services, and share resources between local and state government. The plan shall also include a section on jail management. This section may include the following elements:

(a) A description of current jail conditions, including whether the jail is overcrowded;

(b) A description of potential alternatives to incarceration;

(c) A description of current jail resources;

(d) A description of the jail population as it presently exists and how it is projected to change in the future;

(e) A description of projected future resource requirements;

(f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;

(g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;

(h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;

(i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.

(5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or local government, which

shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

~~(6) Upon receiving a request for assistance from a county, the department may provide ((technical)) the requested assistance ((in developing the plan. The plan shall describe the existing correctional resources, goals, objectives, needs, and problems for local and state correctional services in the county. The plan shall review ways to maximize resources and reduce duplication of services. Areas to be addressed in the plan include, but are not limited to: Voluntary services for offenders, which include employment, substance and alcohol abuse services, housing and mental health services; ways to share administrative costs between local and state government; and the development of alternatives to partial and total confinement)).~~

((4)) (7) The secretary ((shall)) may adopt rules for the submittal ((and)), review, and approval of all ((plans. Representatives from other state and local agencies and organizations shall participate in the review process. Initiatives that reduce the duplication of services or maximize the use of existing resources shall be given priority)) requests for assistance made to the department. The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

~~((5)) (8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner state-wide. The department's contributions to any ((partnerships)) local government, approved pursuant to this section, shall not operate to reduce this base level of services.~~

Sec. 149. RCW 72.09.050 and 1987 c 312 s 4 are each amended to read as follows:

The secretary shall manage the department of corrections and shall be responsible for the administration of adult correctional programs, including but not limited to the operation of all state correctional institutions or facilities used for the confinement of convicted felons. In addition, the secretary shall have broad powers to enter into agreements with any federal agency, or any other state, or any Washington state agency or local government providing for the operation of any correctional facility or program for persons convicted of felonies or misdemeanors or for juvenile offenders. Such agreements for counties with ~~((community corrections boards))~~ local law and justice councils shall be required in the ~~((community corrections))~~ local law and justice plan pursuant to RCW 72.09.300. The agreements may provide for joint operation or operation by the department of corrections, alone, or by any of the other governmental entities, alone. The secretary may employ persons to aid in performing the functions and duties of the department. The secretary may delegate any of his functions or duties to department employees. The secretary is authorized to promulgate standards for the department of corrections within appropriation levels authorized by the legislature.

Pursuant to the authority granted in chapter 34.05 RCW, the secretary shall adopt rules providing for inmate restitution when restitution is determined appropriate as a result of a disciplinary action.

Sec. 150. RCW 74.20.210 and 1969 ex.s. c 173 s 14 are each amended to read as follows:

The prosecuting attorney of any county except ~~((class AA counties))~~ a county with a population of one million or more may enter into an agreement with the attorney general whereby the duty to initiate petitions for support authorized under the provisions of chapter 26.21 RCW as it is now or hereafter amended (Uniform Reciprocal Enforcement of Support Act) in cases where the petitioner has applied for or is receiving

public assistance on behalf of a dependent child or children shall become the duty of the attorney general. Any such agreement may also provide that the attorney general has the duty to represent the petitioner in intercounty proceedings within the state initiated by the attorney general which involve a petition received from another county. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all powers of the prosecuting attorney in connection with said petitions.

Sec. 151. RCW 76.12.030 and 1988 c 128 s 24 are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.

(2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county (~~of the seventh, eighth, or ninth class~~) with a population of less than nine thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

Sec. 152. RCW 79.08.170 and 1983 c 3 s 201 are each amended to read as follows:

The duties of the county auditor in (~~class AA and class A counties~~) each county with a population of two hundred ten thousand or more, with regard to sales and leases of the state lands dealt with under Title 79 RCW except RCW 79.01.100, 79.01.104, and 79.94.040, are transferred to the county treasurer.

Sec. 153. RCW 81.100.030 and 1990 c 43 s 14 are each amended to read as follows:

(1) A (~~class AA~~) county with a population of one million or more, or a (~~class A~~) county with a population of from two hundred ten thousand to less than one million that is adjoining a (~~class AA~~) county with a population of one million or more, and having within its boundaries existing or planned high occupancy vehicle lanes on the state highway system, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. The county imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county shall adopt rules which exempt from all or a portion of the tax any employer that has entered into an agreement with the county that is designed to reduce

the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

Sec. 154. RCW 81.100.060 and 1990 c 43 s 17 are each amended to read as follows:

A ~~((class AA))~~ county with a population of one million or more and a ~~((class A))~~ county with a population of from two hundred ten thousand to less than one million that is adjoining a ~~((class AA))~~ county with a population of one million or more, having within their boundaries existing or planned high occupancy vehicle lanes on the state highway system may, with voter approval, impose a local surcharge of not more than fifteen percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.080, 46.16.085, or 46.16.090.

Counties imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to state motor vehicle excise taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed by the county, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under this section.

Sec. 155. RCW 81.104.030 and 1990 c 43 s 24 are each amended to read as follows:

(1) In any ~~((class A))~~ county with a population of from two hundred ten thousand to less than one million that is not bordered by a ~~((class AA))~~ county with a population of one million or more, and in ~~((counties of the first class and smaller))~~ each county with a population of less than two hundred ten thousand, city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas may elect to establish high capacity transportation service. Such agencies shall form a regional policy committee with proportional representation based upon population distribution within the designated service area and a representative of the department of transportation.

(a) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas participating in joint regional policy committees shall seek voter approval within their own service boundaries of a high capacity transportation system plan and an implementation program including a financing program.

(b) An interim regional authority may be formed pursuant to RCW 81.104.040(2) and shall seek voter approval of a high capacity transportation plan and financing program within its proposed service boundaries.

(2) City-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas in counties adjoining state

or international boundaries are authorized to participate in the regional high capacity transportation programs of an adjoining state or nation.

Sec. 156. RCW 81.104.040 and 1990 c 43 s 25 are each amended to read as follows:

(1) Agencies in ~~((a class AA))~~ each county with a population of one million or more, and in ((class A counties)) each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more that are currently authorized to provide high capacity transportation planning and operating services, including but not limited to city-owned transit systems, county transportation authorities, metropolitan municipal corporations, and public transportation benefit areas, must establish through interlocal agreements a joint regional policy committee with proportional representation based upon the population distribution within each agency's designated service area, as determined by the parties to the agreement.

(a) The membership of the joint regional policy committee shall consist of locally elected officials who serve on the legislative authority of the existing transit systems and a representative from the department of transportation. Nonvoting membership for elected officials from adjoining counties may be allowed at the committee's discretion.

(b) The joint regional policy committee shall be responsible for the preparation and adoption of a regional high capacity transportation system plan and an implementation program including a financing package. This plan shall be in conformance with the metropolitan planning organization's regional transportation plan.

(c) Interlocal agreements shall be executed within two years of March 14, 1990. The joint regional policy committee shall present a high capacity transportation plan and local funding program to the boards of directors of the transit agencies within the service area for adoption.

(d) Transit agencies shall present the adopted plan and financing program for voter approval within four years of the execution of the interlocal agreements. A simple majority vote is required for approval of the high capacity transportation plan and financing program in any service district within each county. Implementation of the program may proceed in any service area approving the plan and program.

(2) If interlocal agreements have not been executed within two years from March 14, 1990, the designated metropolitan planning organization shall convene within one hundred eighty days a conference to be attended by an elected representative selected by the legislative authority of each city and county in a ~~((class AA))~~ county with a population of one million or more, and in ((class A counties)) each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more.

(a) Public notice of the conference shall occur thirty days before the date of the conference.

(b) The purpose of the conference is to evaluate the need for developing high capacity transportation service in a ~~((class AA))~~ county with a population of one million or more and in ~~((class A counties))~~ each county with a population of from two hundred ten thousand to less than one million bordering a ~~((class AA))~~ county with a population of one million or more and to determine the desirability of a regional approach to developing such service.

(c) The conference may elect to continue high capacity transportation efforts on a subregional basis through existing transit planning and operating agencies.

(d) The conference may elect to pursue regional development by creating a multicounty interim regional high capacity transportation authority. Conference members shall determine the structure and composition of any interim regional authority.

(i) The interim regional authority shall propose a permanent authority or authorities for voter approval. Permanent regional authorities shall become the responsible agencies

for planning, construction, operations, and funding of high capacity transportation systems within their service boundaries. Funding sources for a regional high capacity transportation authority or authorities are separate from currently authorized funding sources for city-owned transit systems, county transportation authorities, metropolitan municipal authorities, or public transportation benefit areas.

(ii) State and local jurisdictions, county transportation authorities, metropolitan municipal corporations, or public transportation benefit areas shall retain responsibility for existing facilities and/or services, unless the responsibility is transferred to the high capacity transportation authority or authorities by interlocal agreement.

(3) If, within four years of the execution of the interlocal agreements, a high capacity transportation plan and financing program has been approved by a simple majority vote within a participating jurisdiction, that jurisdiction may proceed with high capacity transportation development. If within four years of the execution of the interlocal agreements, a high capacity transportation plan and program has not been approved by a simple majority vote within one or more of the participating jurisdictions, the joint regional policy committee shall convene within one hundred eighty days, a conference to be attended by participating jurisdictions within which a plan and financing program have not been approved. Such a conference shall be for the same purpose and shall be subject to the same conditions as described in subsection (2) of this section.

(4) High capacity transportation service planning, construction, operations, and funding shall be governed through the interlocal agreement process, including but not limited to provision for a cost allocation and distribution formula, service corridors, station area locations, right of way transfers, and feeder transportation systems. The interlocal agreement shall include a mechanism for resolving conflicts among parties to the agreement.

Sec. 157. RCW 81.104.140 and 1990 c 43 s 35 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including city-owned transit systems, county transportation authorities, metropolitan municipal corporations and public transportation benefit areas, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in ~~((class AA counties, class A counties, counties of the first class which border another state, and counties which, on March 14, 1990, are of the second class and which adjoin class A counties))~~ each county with a population of two hundred ten thousand or more and each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand, that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway.

(2) Agencies providing high capacity transportation service should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development through interlocal agreements or a conference-approved interim regional rail authority or subregional process as defined in RCW 81.104.040 are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (8) of this section. Before an agency may impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, it must comply with the process prescribed in RCW 81.104.100 and 81.104.110.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of existing transit agencies. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies providing high capacity transportation service may contract with the state for collection and transference of local option revenue.

(7) Dedicated high capacity transportation funding shall be subject to voter approval by a simple majority.

(8) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation, commuter rail, and feeder transportation systems.

Sec. 158. RCW 82.14.045 and 1984 c 112 s 1 and 1983 c 3 s 216 are each reenacted and amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a ((class AA)) county with a population of one million or more pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance, or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event

within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2)(a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

(b) In the event a county transportation authority shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, public transportation benefit area, or metropolitan municipal corporation, located within the territory of the authority, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(c) In the event a public transportation benefit area shall impose a sales and use tax pursuant to this section, no city, county which has created an unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273.

Sec. 159. RCW 82.44.150 and 1990 c 42 s 308 are each amended to read as follows:

(1) The director of licensing shall, on the twenty-fifth day of February, May, August, and November of each year, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.030, from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.030, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department shall, from motor vehicle excise taxes deposited in the general fund, under RCW 82.44.110(7), make the following deposits:

(a) To the high capacity transportation account created in RCW 47.78.010, a sum equal to four and five-tenths percent of the special excise tax levied under RCW 35.58.273 by those municipalities authorized to levy a special excise tax within a ~~((class AA county, or within a class A county contiguous to a class AA county, or within a second class county contiguous to a class A county that is contiguous to a class AA county))~~ county with a population of one million or more, or within a county with a population of from two hundred ten thousand to less than one million bordering a county with a population of one million or more, or within a county with a population of from one hundred twenty-five thousand to less than two hundred thousand that both borders a county with a population of five hundred thousand or more and has a portion of its common boundary with that county intersected by an interstate highway;

(b) To the central Puget Sound public transportation account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within a ~~((class AA county or within a class A county contiguous to a class AA))~~ county with a population of one million or more and a county with a population of from two hundred thousand to less than one million bordering a county with a population of one million or more, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(b) applies; however, any transfer under this subsection (2)(b) must be greater than zero;

(c) To the public transportation systems account created in RCW 82.44.180, for revenues distributed after December 31, 1992, within counties not described in (b) of this subsection, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent and been able to match with locally generated tax revenues, other than the excise tax imposed under RCW 35.58.273, budgeted for any public transportation purpose. Before this deposit, the sum shall be reduced by an amount equal to the amount distributed under (a) of this subsection for each of the municipalities within the counties to which this subsection (2)(c) applies; however, any transfer under this subsection (2)(c) must be greater than zero; and

(d) To the transportation fund created in RCW 82.44.180, for revenues distributed after June 30, 1991, a sum equal to the difference between (i) the special excise tax levied and collected under RCW 35.58.273 by those municipalities authorized to levy and collect a special excise tax subject to the requirements of subsections (3) and (4) of this section and (ii) the special excise tax that the municipality would otherwise have been eligible to levy and collect at a tax rate of .815 percent notwithstanding the requirements set forth in subsections (3) through (6) of this section, reduced by an amount equal to distributions made under (a), (b), and (c) of this subsection.

(3) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be

collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(4) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (3) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (3) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (3) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(5) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(6) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (3) of this section.

Sec. 160. RCW 87.19.020 and 1923 c 161 s 6 are each amended to read as follows:

The notice of election provided for in this chapter shall be given and ~~((said))~~ the election held in all respects in accordance with RCW 87.03.200, except in ~~((first class and class A counties))~~ each county with a population of one hundred twenty-five thousand or more, where the ~~((said))~~ notice and election shall be held in the manner provided by law for such counties.

Sec. 161. RCW 88.32.230 and 1970 ex.s. c 42 s 37 are each amended to read as follows:

Whenever the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of any county ~~((of the first class of this state shall))~~ with a population of one hundred twenty-five thousand or more deems it for the interest of the county to engage in or to aid the United States of America, the state of Washington, or any adjoining county or any city of this state, or any of them, in construction, enlargement, improvement, modification, repair or operation of any harbor, canal, waterway, river channel, slip, dock, wharf, or other public improvement, or any of the same, for the purposes of commerce, navigation, sanitation and drainage, or any thereof, or to acquire or operate wharf sites, dock sites, or other properties, rights or interests, or any thereof, necessary or proper to be acquired or operated for public enjoyment of any such public improvement, and to incur indebtedness to meet the cost thereof and expenses connected therewith, and issue bonds of the county for the payment of such indebtedness, or any thereof, such county is hereby authorized and empowered, by and through its county ~~((commissioners))~~ legislative authority, to engage in or aid in any such public work or works, operation or acquisition, as aforesaid, and to incur indebtedness for such purpose or purposes to an amount, which, together with the then existing indebtedness of such county, shall not exceed two and one-half

percent of the value of the taxable property in said county, as the term "value of the taxable property" is defined in RCW 39.36.015, and to issue the negotiable bonds of the county for all or any of such indebtedness and for the payment thereof, in the manner and form and as provided in (~~sections 1846 to 1851, inclusive, of Ballinger's Annotated Codes and Statutes of Washington~~) chapter 39.46 RCW, and other laws of this state which shall then be in force, and to make part or all of such payment in bonds or in moneys derived from sale or sales thereof, or partly in such bonds and partly in such money: PROVIDED, That (~~said commissioners~~) the county legislative authority shall have first submitted the question of incurring such indebtedness to the voters of the county at a general or special election, and three-fifths of the voters voting upon the question shall have voted in favor of incurring the same.

Sec. 162. RCW 53.31.911 and 1990 c 297 s 23 are each reenacted and amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1995:

- (1) RCW 53.31.010 and 1986 c 276 s 1;
- (2) RCW 53.31.020 and 1991 c ... s 133 (section 133 of this act) & 1986 c 276 s 2;
- (3) RCW 53.31.030 and 1986 c 276 s 3;
- (4) RCW 53.31.040 and 1989 c 11 s 23 & 1986 c 276 s 4;
- (5) RCW 53.31.050 and 1986 c 276 s 5; and
- (6) RCW 53.31.060 and 1986 c 276 s 6.

NEW SECTION. Sec. 163. The following acts or parts of acts are each repealed:

- (1) RCW 29.13.025 and 1990 c 59 s 101, 1979 ex.s. c 126 s 13, & 1965 c 9 s 29.13.025;
- (2) RCW 36.13.010 and 1963 c 4 s 36.13.010;
- (3) RCW 36.13.075 and 1963 c 4 s 36.13.075;
- (4) RCW 36.13.080 and 1963 c 4 s 36.13.080;
- (5) RCW 36.13.090 and 1963 c 4 s 36.13.090;
- (6) RCW 36.93.920 and 1969 ex.s. c 111 s 10;
- (7) RCW 53.12.040 and 1965 c 51 s 4, 1959 c 175 s 2, & 1959 c 17 s 7;
- (8) RCW 53.12.044 and 1963 c 200 s 21, 1959 c 175 s 4, & 1951 c 69 s 3;
- (9) RCW 53.12.055 and 1965 c 51 s 5 & 1959 c 175 s 10;
- (10) RCW 53.12.160 and 1963 c 200 s 19, 1951 c 68 s 1, 1941 c 17 s 1, & 1935 c 133 s 1; and

(11) RCW 53.12.210 and 1963 c 200 s 20, 1941 c 45 s 1, & 1925 ex.s. c 113 s 1.

NEW SECTION. Sec. 164. The following acts or parts of acts are each repealed:

- (1) RCW 36.32.271 and 1989 c 244 s 1;
- (2) RCW 36.32.273 and 1989 c 244 s 2;
- (3) RCW 36.32.275 and 1989 c 244 s 3;
- (4) RCW 36.32.277 and 1989 c 244 s 4;
- (5) RCW 36.32.500 and 1984 c 203 s 6;
- (6) RCW 36.32.505 and 1984 c 203 s 7;
- (7) RCW 36.82.030 and 1963 c 4 s 36.82.030;
- (8) RCW 36.82.130 and 1982 c 145 s 1, 1969 ex.s. c 182 s 13, & 1963 c 4 s 36.82.130; and
- (9) RCW 36.82.150 and 1984 c 7 s 35 & 1963 c 4 s 36.82.150.

NEW SECTION. Sec. 165. (1) Sections 28, 29, 33, and 131 of this act shall take effect July 1, 1992.

(2) Section 47 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 166. (1) Section 130 of this act shall expire July 1, 1992.

(2) Section 46 of this act shall expire July 1, 1993.

NEW SECTION. Sec. 167. Sections 99 through 108 of this act shall constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 168. Section headings as used in this act do not constitute any part of the law.

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 2.32.180, 2.32.280, 3.30.020, 3.38.030, 3.74.940, 7.06.010, 8.04.080, 9.73.220, 13.04.035, 13.04.093, 13.20.010, 13.20.060, 13.70.005, 15.60.170, 19.27.160, 26.12.050, 27.24.062, 27.24.068, 28A.315.450, 28A.315.460, 28A.315.590, 28A.315.600, 28A.315.610, 28A.315.620, 28A.315.630, 29.04.200, 29.10.180, 29.13.060, 29.30.060, 29.42.050, 29.42.070, 29.82.060, 35.21.010, 35.21.422, 35.58.040, 35.58.273, 35.81.010, 35.82.285, 36.01.130, 36.13.020, 36.13.100, 36.16.030, 36.16.032, 36.16.050, 36.16.140, 36.17.010, 36.17.020, 36.17.040, 36.24.175, 36.27.060, 36.32.240, 36.32.350, 36.33.060, 36.33.065, 36.34.020, 36.34.050, 36.34.080, 36.34.090, 36.34.100, 36.47.040, 36.56.010, 36.57A.020, 36.58.030, 36.58.100, 36.64.060, 36.64.070, 36.69.010, 36.70.540, 36.78.020, 36.78.040, 36.79.140, 36.80.010, 36.81.130, 36.82.020, 36.82.160, 36.87.020, 36.93.030, 36.93.040, 36.93.051, 36.93.061, 36.93.063, 36.93.100, 36.93.140, 36.95.020, 40.04.100, 41.14.040, 41.14.065, 41.14.070, 41.14.210, 41.28.020, 41.56.030, 42.23.030, 43.99C.045, 46.09.240, 46.52.100, 47.26.121, 47.76.030, 47.76.040, 47.76.160, 53.12.010, 53.12.020, 53.12.035, 53.12.035, 53.25.100, 53.31.020, 53.49.010, 54.16.180, 56.04.120, 57.90.010, 67.28.090, 67.28.180, 67.28.240, 70.46.030, 70.54.180, 70.94.055, 70.142.040, 71.05.135, 71.24.045, 72.09.300, 72.09.050, 74.20.210, 76.12.030, 79.08.170, 81.100.030, 81.100.060, 81.104.030, 81.104.040, 81.104.140, 82.44.150, 87.19.020, and 88.32.230; reenacting and amending RCW 28A.315.580, 28A.315.670, 28A.315.680, 36.32.250, 70.94.053, 82.14.045, and 53.31.911; adding new sections to chapter 39.04 RCW; adding a new section to chapter 39.30 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 36.77 RCW; adding a new section to chapter 36.62 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.28A RCW; adding a new chapter to Title 36 RCW; creating new sections; repealing RCW 29.13.025, 36.13.010, 36.13.075, 36.13.080, 36.13.090, 36.93.920, 53.12.040, 53.12.044, 53.12.055, 53.12.160, 53.12.210, 36.32.271, 36.32.273, 36.32.275, 36.32.277, 36.32.500, 36.32.505, 36.82.030, 36.82.130, and 36.82.150; providing effective dates; and providing expiration dates."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, Madsen, Oke; Representatives Haugen, Cooper, Ferguson.

MOTION

Ms. Haugen moved that the House adopt the Report of Conference Committee on Substitute House Bill No. 1201.

Representatives Haugen and Ferguson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Substitute House Bill No. 1201 as recommended by Conference Committee.

Ms. Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1201 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Holland - 01.

Substitute House Bill No. 1201 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1341

April 27, 1991

Includes "New Item": YES

Promoting economic development.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341, Timber-dependent communities, have had the same under consideration and we recommend that:

The Senate floor amendment(s) be not adopted; and

That the following Conference Committee striking amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Cutbacks in allowable sales of old growth timber in Washington state pose a substantial threat to the region and the state with massive layoffs, loss of personal income, and declines in state revenues;

(2) The timber impact areas are of critical significance to the state because of their leading role in the overall economic well-being of the state and their importance to the quality of life to all residents of Washington, and that these regions require a special state effort to diversify the local economy;

(3) There are key opportunities to broaden the economic base in the timber impact areas including agriculture, high-technology, tourism, and regional exports; and

(4) A coordinated state, local, and private sector effort offers the greatest potential to promote economic diversification and to provide support for new projects within the region.

The legislature further finds that if a special state effort does not take place the decline in allowable timber sales may result in a loss of six thousand logging and milling jobs; two hundred million dollars in direct wages and benefits; twelve thousand indirect jobs; and three hundred million dollars in indirect wages and benefits.

It is the intent of the legislature to develop comprehensive programs to provide diversified economic development and promote job creation and employment opportunities for the citizens of the timber impact areas.

NEW SECTION. Sec. 2. For the purposes of sections 2 through 10 of this act:

(1) "Board" means the economic recovery coordination board;

(2) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 3. (1) The governor shall appoint a timber recovery coordinator. The coordinator shall coordinate the state and federal economic and social programs targeted to timber impact areas.

(2) The coordinator's responsibilities shall include but not be limited to:

(a) Serving as executive secretary of the economic recovery coordination board and directing staff associated with the board.

(b) Chairing the agency timber task force and directing staff associated with the task force.

(c) Coordinating and maximizing the impact of state and federal assistance to timber impact areas.

(d) Coordinating and expediting programs to assist timber impact areas.

(e) Providing the legislature with a status and impact report on the timber recovery program in January 1992.

(3) This section shall expire June 30, 1993.

NEW SECTION. Sec. 4. (1) There is established the agency timber task force. The task force shall be chaired by the timber recovery coordinator. It shall be the responsibility of the coordinator that all directives of this act are carried out expeditiously by the agencies represented in the task force. The task force shall consist of the directors, or representatives of the directors, of the following agencies: The department of trade and economic development, department of community development, employment security department, department of social and health services, state board for community college education, state board for vocational education, or its replacement entity, department of

natural resources, department of transportation, state energy office, department of wildlife, University of Washington center for international trade in forest products, and department of ecology. The task force may consult and enlist the assistance of the following: The higher education coordinating board, University of Washington college of forest resources, Washington State University school of forestry, Northwest policy center, state superintendent of public instruction, the Evergreen partnership, Washington association of counties, and rural development council.

(2) This section shall expire June 30, 1993.

NEW SECTION. Sec. 5. The Washington state institute for public policy at The Evergreen State College shall design an evaluation mechanism for the timber recovery act and undertake an evaluation of the act's effectiveness by November 1, 1993. The agencies implementing the timber recovery programs under this act shall assist the institute for public policy in this evaluation.

NEW SECTION. Sec. 6. (1) There is established the economic recovery coordination board consisting of one representative, appointed by the governor, from each county that is a timber impact area. The timber recovery coordinator shall also be a member of the board. Each associate development organization from counties that are timber impact areas, in consultation with the county legislative authority, shall submit to the governor the names of three nominees representing different interests in each county. Within sixty days after the effective date of this section, the governor shall select one nominee from each list submitted by associate development organizations. In making the appointments, the governor shall endeavor to ensure that the board represents a diversity of backgrounds. Vacancies shall be filled in the same manner as the original appointment.

(2) The board shall:

(a) Advise the timber recovery coordinator and the agency timber task force on issues relating to timber impact area economic and social development, and review and provide recommendations on proposals for the diversification of the timber impact areas presented to it by the timber recovery coordinator.

(b) Respond to the needs and concerns of citizens at the local level.

(c) Develop strategies for the economic recovery of timber impact areas.

(d) Provide recommendations to the governor, the legislature, and congress on land management and economic and regulatory policies that affect timber impact areas.

(e) Recommend to the legislature any changes or improvements in existing programs designed to benefit timber impact areas.

(3) Members of the board and committees shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(4) This section shall expire June 30, 1993.

NEW SECTION. Sec. 7. The department of trade and economic development, as a member of the agency timber task force and in consultation with the board, shall:

(1) Implement an expanded value-added forest products development industrial extension program. The department shall provide technical assistance to small and medium-sized forest products companies to include:

(a) Secondary manufacturing product development;

(b) Plant and equipment maintenance;

(c) Identification and development of domestic market opportunities;

(d) Building products export development assistance;

(e) At-risk business development assistance;

(f) Business network development; and

(g) Timber impact area industrial diversification.

(2) Provide local contracts for small and medium-sized forest product companies, start-ups, and business organizations for business feasibility, market development, and business network contracts that will benefit value-added production efforts in the industry.

(3) Contract with local business organizations in timber impact areas for development of programs to promote industrial diversification. In addition, the department shall develop an interagency agreement with the department of community development for local capacity-building grants to local governments and community-based organizations in timber impact areas, which may include long-range planning and needs assessments.

For the 1991-93 biennium, the department of trade and economic development shall use funds appropriated for this section for contracts and for no more than two additional staff positions.

NEW SECTION. Sec. 8. The department of trade and economic development shall increase the resources available to associate development organizations in counties meeting the following criteria, as determined by the employment security department: (1) A lumber and wood products employment location quotient at or above the state average; (2) a direct lumber and wood products job loss of one hundred positions or more; and (3) an annual unemployment rate twenty percent above the state average. These resources are for the purpose of providing economic and community development services in timber impact areas and providing resource and referral services to the community regarding state and local economic and community development services.

NEW SECTION. Sec. 9. The department of community development as a part of the agency timber task force and in consultation with the board, shall implement a community assistance program to enable communities to build local capacity for sustainable economic development efforts. The program shall provide resources and technical assistance to timber impact areas.

In addition, the department shall develop an interagency agreement with the department of trade and economic development for local capacity-building grants to local governments and community-based organizations in timber impact areas.

NEW SECTION. Sec. 10. In order to explore economic diversification options in timber impact areas and address urban congestion, the Washington state air transportation commission study shall consider the possibility of locating an airport facility designed to relieve air traffic overflow from Seattle-Tacoma international airport in Grays Harbor county.

The commission shall consider airport facilities currently in use in Grays Harbor county, the property set aside at the uncompleted Satsop nuclear site, the distance from operating port facilities, the desires of the community, and linkage with the Interstate 5 corridor by rapid transit rail service.

NEW SECTION. Sec. 11. (1) The Pacific Northwest export assistance project is hereby created for the following purposes:

(a) To assist manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars with comprehensive services for designing and managing introductory export strategies and in securing financing and credit guarantees for export transactions;

(b) To provide, in cooperation with the export promotion services offered by the department of trade and economic development and the Washington state department of agriculture, information and assistance to manufacturers with gross annual revenues less than twenty-five million dollars about the methods and procedures of structuring company specific export financing and credit guarantee alternatives; or

(c) To provide information to their clients about opportunities in organizing cooperative export networks, foreign sales corporations, or export trading companies under the United States export trading company act of 1982, for the purpose of increasing their comparative sales volume and ability to export their products to foreign markets.

(2) The Pacific Northwest export assistance project is a separate branch of the small business export finance assistance center for accounting and auditing purposes.

(3) The Pacific Northwest export assistance project is subject to the authority of the small business export finance assistance center, under RCW 43.210.020, and shall be governed and managed by the board of directors, under RCW 43.210.030.

NEW SECTION. Sec. 12. (1) The small business export finance assistance center has the following powers and duties when exercising its authority under section 11(3) of this act:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other public or private sources to carry out its purposes;

(b) Offer comprehensive export assistance and counseling to manufacturers relatively new to exporting with gross annual revenues less than twenty-five million dollars. As close to ninety percent as possible of each year's new cadre of clients must have gross annual revenues of less than five million dollars at the time of their initial contract. At least fifty percent of each year's new cadre of clients shall be from timber impact areas as defined in section 2 of this act. Counseling may include, but not be limited to, helping clients obtain debt or equity financing, in constructing competent proposals, and assessing federal guarantee and/or insurance programs that underwrite exporting risk; assisting clients in evaluating their international marketplace by developing marketing materials, assessing and selecting targeted markets; assisting firms in finding foreign customers by conducting foreign market research, evaluating distribution systems, selecting and assisting in identification of and/or negotiations with foreign agents, distributors, retailers, and by promoting products through attending trade shows abroad; advising companies on their products, guarantees, and after sales service requirements necessary to compete effectively in a foreign market; designing a competitive strategy for a firm's products in targeted markets and methods of minimizing their commercial and political risks; securing for clients specific assistance as needed, outside the center's field of expertise, by referrals to other public or private organizations. The Pacific Northwest export assistance project shall focus its efforts on facilitating export transactions for its clients, and in doing so, provide such technical services as are appropriate to accomplish its mission either with staff or outside consultants;

(c) Sign three-year counseling agreements with its clients that provide for termination if adequate funding for the Pacific Northwest export assistance project is not provided in future appropriations. Counseling agreements shall not be renewed unless there are compelling reasons to do so, and under no circumstances shall they be renewed for more than two additional years. A counseling agreement may not be renewed more than once. The counseling agreements shall have mutual performance clauses, that if not met, will be grounds for releasing each party, without penalty, from the provisions of the agreement. Clients shall be immediately released from a counseling agreement with the Pacific Northwest export assistance project, without penalty, if a client wishes to switch to a private export management service and produces a valid contract signed with a private export management service, or if the president of the small business export finance assistance center determines there are compelling reasons to release a client from the provisions of the counseling agreement;

(d) May contract with private or public international trade education services to provide Pacific Northwest export assistance project clients with training in international business. The president and board of directors shall decide the amount of funding allocated for educational services based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(e) May contract with the Washington state international trade fair to provide services for Pacific Northwest export assistance project clients to participate in one trade show annually. The president and board of directors shall decide the amount of funding allocated for trade fair assistance based on the availability of resources in the operating budget of the Pacific Northwest export assistance project;

(f) Provide biennial assessments of its performance. Project personnel shall work with the department of revenue and employment security department to confidentially track the performance of the project's clients in increasing tax revenues to the state, increasing gross sales revenues and volume of products destined to foreign clients, and in creating new jobs for Washington citizens. A biennial report shall be prepared for the governor and legislature to assess the costs and benefits to the state from creating the project. The president of the small business export finance assistance center shall design an appropriate methodology for biennial assessments in consultation with the director of the department of trade and economic development and the director of the Washington state department of agriculture. The department of revenue and the employment security department shall provide data necessary to complete this biennial evaluation, if the data being requested is available from existing data bases. Client-specific information generated from the files of the department of revenue and the employment security department for the purposes of this evaluation shall be kept strictly confidential by each department and the small business export finance assistance center;

(g) Take whatever action may be necessary to accomplish the purposes set forth in sections 11 through 14 of this act; and

(h) Limit its assistance to promoting the exportation of value-added manufactured goods. The project shall not provide counseling or assistance, under any circumstances, for the importation of foreign made goods into the United States.

(2) The Pacific Northwest export assistance project shall not, under any circumstances, assume ownership or take title to the goods of its clients.

(3) The Pacific Northwest export assistance project may not use any Washington state funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(4) The Pacific Northwest export assistance project shall make every effort to seek nonstate funds to supplement its operations.

(5) The Pacific Northwest export assistance project shall take whatever steps are necessary to provide its services, if requested, to the states of Oregon, Idaho, Montana, Alaska, and the Canadian provinces of British Columbia and Alberta. Interstate services shall not be provided by the Pacific Northwest export assistance project during its first biennium of operation. The provision of services may be temporary and subject to the payment of fees, or each state may request permanent services contingent upon a level of permanent funding adequate for services provided. Temporary services and fees may be negotiated by the small business export finance assistance center's president subject to approval of the board of directors. The president of the small business export finance assistance center may enter into negotiations with neighboring states to contract for delivery of the project's services. Final contracts for providing the project's counseling and services outside of the state of Washington on a permanent basis shall be subject to approval of the governor, appropriate legislative oversight committees, and the small business export finance assistance center's board of directors.

(6) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the Pacific Northwest export assistance project and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

(7) The president of the small business export finance assistance center, in consultation with the board of directors, may use the following formula in determining the number of clients that can be reasonably served by the Pacific Northwest export

assistance project relative to its appropriation. Divide the amount appropriated for administration of the Pacific Northwest export assistance project by the marginal cost of adding each additional Pacific Northwest export assistance project client. For the purposes of this calculation, and only for the first biennium of operation, the biennial marginal cost of adding each additional Pacific Northwest export assistance project client shall be fifty-seven thousand ninety-five dollars. The biennial marginal cost of adding each additional client after the first biennium of operation shall be established from the actual operating experience of the Pacific Northwest export assistance project.

(8) All receipts from the Pacific Northwest export assistance project shall be deposited into the general fund.

NEW SECTION. Sec. 13. The department of trade and economic development shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of sections 11 through 14 of this act.

NEW SECTION. Sec. 14. The small business export finance assistance center fund is created in the custody of the state treasurer. Expenditures from the fund may be used only for the purposes of funding the services of the small business export finance assistance center and its projects under this chapter. Only the director of the department of trade and economic development or the director's designee may authorize expenditures from the fund. The director of the department of trade and economic development shall not withhold funds appropriated for the administration of the small business export finance assistance center and its projects, if the small business export finance assistance center complies with the provisions of its contract under RCW 43.210.050 and section 11 of this act. Funding appropriated by the state of Washington shall not be used to provide services to other states or provinces. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 15. RCW 43.210.030 and 1985 c 231 s 3 are each amended to read as follows:

The small business export finance assistance center and its branches shall be governed and managed by a board of ~~((seventeen))~~ nineteen directors appointed by the governor and confirmed by the senate. The directors shall serve terms of six years except that two of the original directors shall serve for two years and two of the original directors shall serve for four years. The directors may provide for the payment of their expenses. The directors shall include a representative of a not-for-profit corporation formed for the purpose of facilitating economic development, at least two representatives of state financial institutions engaged in the financing of export transactions, a representative of a port district, and a representative of organized labor. Of the remaining board members, there shall be ~~((a representative of the governor,))~~ one representative of business from the area west of Puget Sound, one representative of business from the area east of Puget Sound and west of the Cascade range, one representative of business from the area east of the Cascade range and west of the Columbia river, ~~((and))~~ one representative of business from the area east of the Columbia river, the director of the department of trade and economic development, and the director of the department of agriculture. One of the directors shall be a representative of the public selected from the area in the state west of the Cascade mountain range and one director shall be a representative of the public selected from that area of the state east of the Cascade mountain range. One director shall be a representative of the public at large. The directors shall be broadly representative of geographic areas of the state, and the representatives of businesses shall represent at least four different industries in different sized businesses as follows: (a) One representative of a company employing fewer than one hundred persons; (b) one representative of a company employing between one hundred and five hundred persons; ~~((and))~~ (c) ~~((two))~~ one representative~~((s))~~ of ~~((companies))~~ a company employing more than five hundred persons; (d) one representative from an export management company; and (e) one representative from an agricultural or food processing company. Any vacancies on the board due to the

expiration of a term or for any other reason shall be filled by appointment by the governor for the unexpired term.

Sec. 16. RCW 43.210.050 and 1985 c 466 s 64 and 1985 c 231 s 5 are each reenacted and amended to read as follows:

The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 (~~is eligible to receive consideration for~~) shall enter into a contract under this chapter (~~from the~~) with the department of trade and economic development or its statutory successor. The contract shall require the center to provide export assistance services, (~~may not have a duration of longer than two years,~~) consistent with sections 11 through 14 of this act, shall have a duration of two years, and shall require the center to aggressively seek to fund its continued operation from nonstate funds. The contract shall also require the center to report (~~at least twice~~) annually to the department on its success in obtaining nonstate funding. Upon expiration of the contract, any provisions within the contract applicable to the Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the Pacific Northwest export assistance project. The provisions of the contract related to the Pacific Northwest export assistance project may be changed at any time if the director of the department of trade and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of trade and economic development and the small business export finance assistance center when the Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture. The department of trade and economic development, the small business export finance assistance center, and, if appropriate, the department of agriculture, shall report annually, as one group, to the appropriate legislative oversight committees on the progress of the Pacific Northwest export assistance project.

NEW SECTION. Sec. 17. A new section is added to chapter 43.131 RCW to read as follows:

The Pacific Northwest export assistance project shall be terminated on June 30, 1996, as provided in section 18 of this act.

NEW SECTION. Sec. 18. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1997:

- (1) RCW 43.210.--- and 1991 c -- s 11 (section 11 of this act);
- (2) RCW 43.210.--- and 1991 c -- s 12 (section 12 of this act);
- (3) RCW 43.210.--- and 1991 c -- s 13 (section 13 of this act); and
- (4) RCW 43.210.--- and 1991 c -- s 14 (section 14 of this act).

Sec. 19. RCW 43.168.020 and 1988 c 42 s 18 are each amended to read as follows:

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

- (1) "Committee" means the Washington state development loan fund committee.
- (2) "Department" means the department of community development.
- (3) "Director" means the director of the department of community development.
- (4) "Distressed area" means: (a) A county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (b) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such

calendar year by twenty percent. Applications under this subsection (4)(b) shall be filed by April 30, 1989; ((e)) (c) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate; or (d) a county designated as a timber impact area under section 2 of this act if an application is filed by July 1, 1993. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(5) "Fund" means the Washington state development loan fund.

(6) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(7) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

NEW SECTION. Sec. 20. A new section is added to chapter 43.168 RCW to read as follows:

Any funds appropriated by the legislature to the development loan fund for purposes of the timber recovery act shall be used for development loans in timber impact areas as defined in section 2 of this act.

Sec. 21. RCW 43.160.010 and 1989 c 431 s 61 are each amended to read as follows:

(1) The legislature finds that it is the public policy of the state of Washington to direct financial resources toward the fostering of economic development through the stimulation of investment and job opportunities and the retention of sustainable existing employment for the general welfare of the inhabitants of the state. Reducing unemployment and reducing the time citizens remain jobless is important for the economic welfare of the state. A valuable means of fostering economic development is the construction of public facilities which contribute to the stability and growth of the state's economic base. Strengthening the economic base through issuance of industrial development bonds, whether single or umbrella, further serves to reduce unemployment. Consolidating issues of industrial development bonds when feasible to reduce costs additionally advances the state's purpose to improve economic vitality. Expenditures made for these purposes as authorized in this chapter are declared to be in the public interest, and constitute a proper use of public funds. A community economic revitalization board is needed which shall aid the development of economic opportunities. The general objectives of the board should include:

(a) Strengthening the economies of areas of the state which have experienced or are expected to experience chronically high unemployment rates or below average growth in their economies;

(b) Encouraging the diversification of the economies of the state and regions within the state in order to provide greater seasonal and cyclical stability of income and employment;

(c) Encouraging wider access to financial resources for both large and small industrial development projects;

(d) Encouraging new economic development or expansions to maximize employment;

(e) Encouraging the retention of viable existing firms and employment; and

(f) Providing incentives for expansion of employment opportunities for groups of state residents that have been less successful relative to other groups in efforts to gain permanent employment.

(2) The legislature also finds that the state's economic development efforts can be enhanced by, in certain instances, providing funds to improve state highways in the vicinity of new industries considering locating in this state or existing industries that are considering significant expansion.

(a) The legislature finds it desirable to provide a process whereby the need for diverse public works improvements necessitated by planned economic development can be addressed in a timely fashion and with coordination among all responsible governmental entities.

(b) It is the intent of the legislature to create an economic development account within the motor vehicle fund from which expenditures can be made by the department of transportation for state highway improvements necessitated by planned economic development. All such improvements must first be approved by the state transportation commission and the community economic revitalization board in accordance with the procedures established by RCW 43.160.074 and 47.01.280. It is further the intent of the legislature that such improvements not jeopardize any other planned highway construction projects. The improvements are intended to be of limited size and cost, and to include such items as additional turn lanes, signalization, illumination, and safety improvements.

(3) The legislature also finds that the state's economic development efforts can be enhanced by providing funds to improve markets for those recyclable materials representing a large fraction of the waste stream. The legislature finds that public facilities which result in private construction of processing or remanufacturing facilities for recyclable materials are eligible for consideration from the board.

(4) The legislature finds that sharing economic growth state-wide is important to the welfare of the state. Timber impact areas do not share in the economic vitality of the Puget Sound region. Infrastructure is one of several ingredients that are critical for economic development. Timber impact areas generally lack the infrastructure necessary to diversify and revitalize their economies. It is, therefore, the intent of the legislature to increase the availability of funds to help provide infrastructure to timber impact areas.

Sec. 22. RCW 43.160.020 and 1985 c 466 s 58 are each amended to read as follows:

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

(1) "Board" means the community economic revitalization board.

(2) "Bond" means any bond, note, debenture, interim certificate, or other evidence of financial indebtedness issued by the board pursuant to this chapter.

(3) "Department" means the department of trade and economic development or its successor with respect to the powers granted by this chapter.

(4) "Financial institution" means any bank, savings and loan association, credit union, development credit corporation, insurance company, investment company, trust company, savings institution, or other financial institution approved by the board and maintaining an office in the state.

(5) "Industrial development facilities" means "industrial development facilities" as defined in RCW 39.84.020.

(6) "Industrial development revenue bonds" means tax-exempt revenue bonds used to fund industrial development facilities.

(7) "Local government" means any port district, county, city, or town.

(8) "Sponsor" means any of the following entities which customarily provide service or otherwise aid in industrial or other financing and are approved as a sponsor by the board: A bank, trust company, savings bank, investment bank, national banking association, savings and loan association, building and loan association, credit union,

insurance company, or any other financial institution, governmental agency, or holding company of any entity specified in this subsection.

(9) "Umbrella bonds" means industrial development revenue bonds from which the proceeds are loaned, transferred, or otherwise made available to two or more users under this chapter.

(10) "User" means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and receiving or applying to receive revenues from bonds issued under this chapter.

(11) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 23. A new section is added to chapter 43.160 RCW to read as follows:

(1) The economic development account is created within the public facilities construction loan revolving fund under RCW 43.160.080. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 43.160.010(4) and this section. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) Applications under this section for assistance from the economic development account are subject to all of the applicable criteria set forth under this chapter, as well as procedures and criteria established by the board, except as otherwise provided.

(3) Eligible applicants under this section are limited to political subdivisions of the state in timber impact areas that demonstrate, to the satisfaction of the board, the local economy's dependence on the forest products industry.

(4) Applicants must demonstrate that their request is part of an economic development plan consistent with applicable state planning requirements. Applicants must demonstrate that tourism projects have been approved by the local government and are part of a regional tourism plan approved by the local and regional tourism organizations. Industrial projects must be approved by the local government and the associate development organization.

(5) Publicly owned projects may be financed under this section upon proof by the applicant that the public project is a necessary component of, or constitutes in whole, a tourism project.

(6) Applications must demonstrate local match and participation. Such match may include: Land donation, other public or private funds or both, or other means of local commitment to the project.

(7) Board financing for feasibility studies shall not exceed twenty-five thousand dollars per study. Board funds for feasibility studies may be provided as a grant and require a dollar for dollar match with up to one-half in-kind match allowed.

(8) Board financing for tourism projects shall not exceed two hundred fifty thousand dollars. Other public facility projects under this section shall not exceed five hundred thousand dollars. Loans with flexible terms and conditions to meet the needs of the applicants shall be provided. Grants may also be authorized, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision.

(9) The board shall develop guidelines for allowable local match and feasibility studies.

(10) Applications under this section need not demonstrate evidence that specific private development or expansion is ready to occur or will occur if funds are provided.

(11) The board shall establish guidelines for making grants and loans under this section to ensure that the requirements of this chapter are complied with. The guidelines shall include:

(a) A process to equitably compare and evaluate applications from competing communities.

(b) Criteria to ensure that approved projects will have a high probability of success and are likely to provide long-term economic benefits to the community. The criteria shall include: (i) A minimum amount of local participation, determined by the board per application, to verify community support for the project; (ii) an analysis that establishes the project is feasible using standard economic principles; and (iii) an explanation from the applicant regarding how the project is consistent with the communities' economic strategy and goals.

(c) A method of evaluating the impact of the loans or grants on the economy of the community and whether the loans or grants achieved their purpose.

Sec. 24. RCW 43.160.076 and 1985 c 446 s 6 are each amended to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least ~~((twenty))~~ fifty percent for grants and loans for projects in distressed counties or timber impact areas. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties or timber impact areas are clearly insufficient to use up the ~~((twenty))~~ fifty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties or timber impact areas.

NEW SECTION. Sec. 25. A new section is added to chapter 43.160 RCW to read as follows:

(1) Except as authorized to the contrary under subsection (2) of this section, from all funds available to the board for loans and grants, the board shall spend at least twenty percent for grants and loans for projects in distressed counties. For purposes of this section, the term "distressed counties" includes any county, in which the average level of unemployment for the three years before the year in which an application for a loan or grant is filed, exceeds the average state employment for those years by twenty percent.

(2) If at any time during the last six months of a biennium the board finds that the actual and anticipated applications for qualified projects in distressed counties are clearly insufficient to use up the twenty percent allocation, then the board shall estimate the amount of the insufficiency and during the remainder of the biennium may use that amount of the allocation for loans and grants for projects not located in distressed counties.

NEW SECTION. Sec. 26. (1) For the period beginning July 1, 1991, and ending June 30, 1993, in timber impact areas the public works board may award low-interest or interest-free loans to local governments for construction of new public works facilities that stimulate economic growth or diversification.

(2) For the purposes of this section and section 27 of this act:

(a) "Public facilities" means bridge, road and street, domestic water, sanitary sewer, and storm sewer systems.

(b) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

(3) The loans may have a deferred payment of up to five years but shall be repaid within twenty years. The public works board may require other terms and conditions and may charge such rates of interest on its loans as it deems appropriate to carry out the purposes of this section. Repayments shall be made to the public works assistance account.

(4) The board may make such loans irrespective of the annual loan cycle and reporting required in RCW 43.155.070.

NEW SECTION. Sec. 27. (1) As authorized by section 26 of this act, the board shall establish criteria for awarding loans to local governments in timber impact areas including, but not limited to, the following:

(a) If a county or city, the local government must be imposing the tax authorized by chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have in place a capital improvement plan meeting standards established by the board and an economic development plan meeting standards established by the department;

(c) The local economy must have experienced or be about to experience employment losses due to the timber economy;

(d) The proposed project must provide an opportunity to create or retain jobs within the local economy. Priority may be given to those projects that provide an opportunity to retain or create jobs for the pool of local workers affected by the timber economy;

(e) The local government must provide reasonable assurances of its ability to repay the debt; and

(f) The local government must meet any additional guidelines and criteria established by the board for awarding loan funds.

(2) Existing debt or other financial obligations of the local government shall not be refinanced under this section and section 26 of this act.

(3) The board shall award loans only to those projects that meet the criteria and will fulfill the purpose of this section and section 26 of this act. Any funds not obligated at the close of the biennium shall be returned to the public works assistance account.

Sec. 28. RCW 43.17.065 and 1990 1st ex.s. c 17 s 77 are each amended to read as follows:

(1) Where power is vested in a department to issue permits, licenses, certifications, contracts, grants, or otherwise authorize action on the part of individuals, businesses, local governments, or public or private organizations, such power shall be exercised in an expeditious manner. All departments with such power shall cooperate with officials of the business assistance center of the department of trade and economic development, and any other state officials, when such officials request timely action on the part of the issuing department.

(2) After August 1, 1991, any agency to which subsection (1) of this section applies shall, with regard to any permits or other actions that are necessary for economic development in timber impact areas, as defined in section 2 of this act, respond to any completed application within forty-five days of its receipt; any response, at a minimum, shall include:

(a) The specific steps that the applicant needs to take in order to have the application approved; and

(b) The assistance that will be made available to the applicant by the agency to expedite the application process.

(3) The agency timber task force established in section 4 of this act shall oversee implementation of this section.

(4) Each agency shall define what constitutes a completed application and make this definition available to applicants.

Sec. 29. RCW 53.36.030 and 1990 c 254 s 1 are each amended to read as follows:

((A)) (1)(a) Except as provided in (b) of this subsection, a port district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the value of the taxable property in the district(~~(-and;)~~).

(b) Port districts having less than eight hundred million dollars in value of taxable property may at any time contract indebtedness or borrow money for port district purposes and may issue general obligation bonds therefor not exceeding an amount, combined with existing indebtedness of the district not authorized by the voters, of three-eighths of one percent of the value of the taxable property in the district. Prior to contracting for any indebtedness authorized by this subsection (1)(b), the port district must have a comprehensive plan for harbor improvements or industrial development and a long-term financial plan approved by the department of community development. The department of community development is immune from any liability for its part in reviewing or approving port district's improvement or development plans, or financial plans. Any indebtedness authorized by this subsection (1)(b) may be used only to acquire or construct a facility, and, prior to contracting for such indebtedness, the port district must have a lease contract for a minimum of five years for the facility to be acquired or constructed by the debt.

(2) With the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, a port district may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three-fourths of one percent of the value of the taxable property in the district(~~(-PROVIDED FURTHER, That))~~).

(3) In addition to the indebtedness authorized under subsections (1) and (2) of this section, port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-eighth of one percent of the value of the taxable property in the district without authorization by the voters; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional three-eighths of one percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed one and one-fourth percent of the value of the taxable property in the district.

(4) Any port district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. ((Such)) Any contract for indebtedness or borrowed money authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years. The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(5) Elections required under this section shall be held as provided in RCW 39.36.050.

(6) For the purpose of this section, "indebtedness of the district" shall not include any debt of a county-wide district with a population less than twenty-five hundred people when the debt is secured by a mortgage on property leased to the federal government; and the term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

~~(Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.)~~

NEW SECTION. Sec. 30. A new section is added to chapter 43.31 RCW to read as follows:

(1)(a) Subject to funding for this subsection, the department shall contract with the small business export finance assistance center, created in chapter 43.210 RCW, to assist businesses in timber impact areas obtain financing for the export of their products. The department shall assist the small business export finance assistance center to ensure the services available under this subsection are understood and accessible in timber impact areas.

(b) Subject to funding for the necessary reserve funds, the Washington economic development finance authority, created in chapter 43.163 RCW, shall provide financing for export transactions where the product being exported is produced in a timber impact area.

(2) The department may make rules that are necessary to carry out this section and to coordinate the service described in this section and to prioritize the services based on greatest negative impact from the harvest reductions.

(3) For purposes of this section, the definitions of "timber impact area" is the same as section 2 of this act.

NEW SECTION. Sec. 31. (1) Sections 2 through 10 of this act are each added to chapter 43.31 RCW.

(2) Sections 11 through 14 of this act are each added to chapter 43.210 RCW.

NEW SECTION. Sec. 32. RCW 43.160.076 and 1991 c -- s 24 (section 24 of this act) & 1985 c 446 s 6 are each repealed effective June 30, 1993.

NEW SECTION. Sec. 33. Section 23 of this act expires June 30, 1993.

NEW SECTION. Sec. 34. Section 25 of this act shall take effect July 1, 1993.

NEW SECTION. Sec. 35. Section 20 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 36. If specific funding for the purposes of section 5 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 5 of this act shall be null and void.

NEW SECTION. Sec. 37. If specific funding for the purposes of section 7 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 7 of this act shall be null and void.

NEW SECTION. Sec. 38. If specific funding for the purposes of section 8 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 8 of this act shall be null and void.

NEW SECTION. Sec. 39. If specific funding for the purposes of section 9 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 9 of this act shall be null and void.

NEW SECTION. Sec. 40. If specific funding for the purposes of sections 11 through 18 of this act, referencing this act by section and bill numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 11 through 18 of this act shall be null and void.

NEW SECTION. Sec. 41. If specific funding for the purposes of section 30 of this act, referencing this act by section and bill number, is not provided by June 30, 1991, in the omnibus appropriations act, section 30 of this act shall be null and void.

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 43.210.030, 43.168.020, 43.160.010, 43.160.020, 43.160.076, 43.17.065, and 53.36.030; reenacting and amending RCW 43.210.050; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.210 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 43.160 RCW; adding a new section to chapter 43.168 RCW; creating new sections; repealing RCW 43.160.076; providing an effective date; providing an expiration date; and declaring an emergency."and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Anderson, Owen, Amondson; Representatives Belcher, Sheldon, Bowman.

MOTION

Ms. Belcher moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1341. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1341 as recommended by Conference Committee.

Representatives Hargrove, Bowman, Sheldon, P. Johnson and Basich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1341 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Holland - 01.

Engrossed Substitute House Bill No. 1341 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

Under suspension of rules, the Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, and passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 2026

April 27, 1991

Includes "New Item": YES

Providing for comprehensive water resources management.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, Water resources management, have had the same under consideration and we recommend that:

The Senate Committee on Agriculture and Water Resources amendment(s) be not adopted; and

That the following Conference Committee striking amendment(s) be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, conservation and water use efficiency programs, including storage, should be the preferred methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; and

(c) The interests of the state will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water.

NEW SECTION. Sec. 2. The purposes of this act are to:

(1) Improve the ability of the state to work with the United States, local governments, federally recognized tribal governments, water right holders, water users,

and various water interests in water conservation and water use efficiency programs designed to satisfy existing rights, presently unmet needs, and future needs, both instream and out-of-stream;

(2) Establish new incentives, enhance existing incentives, and remove disincentives for efficient water use;

(3) Establish improved means to disseminate information to the public and provide technical assistance regarding ways to improve the efficiency of water use;

(4) Create a trust water rights mechanism for the acquisition of water rights on a voluntary basis to be used to meet presently unmet needs and future needs;

(5) Prohibit the sale of nonconforming plumbing fixtures and require the marking and labeling of fixtures meeting state standards;

(6) Reduce tax disincentives to water conservation, reuse, and improved water use efficiency; and

(7) Add achievement of water conservation as a factor to be considered by water supply utilities in setting water rates.

NEW SECTION. Sec. 3. A new section is added to chapter 90.54 RCW to read as follows:

(1) State funding of water resource, supply, and quality related capital programs, both current and future, shall, to the maximum extent possible within state or federal legal requirements, be directed to assist in the resolution of current conflicts and implementation of regional water resource plans with priority given to current needs over new requirements.

(2) Consistent with RCW 90.54.180, priority shall be given, to the maximum extent possible within state or federal legal requirements, to those water conservation projects funded by the state that will result in the greatest net water savings.

Sec. 4. RCW 90.54.045 and 1990 c 295 s 3 are each amended to read as follows:

(1) In the development and implementation of the comprehensive state water resources program required in RCW 90.54.040(1), the process described therein shall involve participation of appropriate state agencies, Indian tribes, local governments, and interested parties, and shall be applied on a regional basis pursuant to subsection (2) of this section.

(2) Prior to ((January)) July 1, 1991, the department, with advice from appropriate state agencies, Indian tribes, local government, and interested parties, shall identify regions and establish regional boundaries for water resource planning and shall designate two regions in which the process shall be initiated on a pilot basis. One region shall encompass an area within the Puget Sound basin in which critical water resource issues exist. A concurrent pilot process may encompass a region east of the Cascade mountains.

(3) The department shall report to the chairs of the appropriate legislative committees prior to July 1st each year summarizing the progress of the pilot process in the two regions. The pilot process in each region shall be completed and shall produce a regional water plan by December 31, 1993.

(4) Appropriate state agencies, Indian tribes, local governments, and interested parties in regions not selected for the pilot program are strongly encouraged to commence water resource planning within their regions.

NEW SECTION. Sec. 5. (1) The legislature finds that a need exists to develop and test a means to facilitate the voluntary transfer of water and water rights, including conserved water, to provide water for presently unmet needs and emerging needs. Further, the legislature finds that water conservation activities have the potential of affecting the quantity of return flow waters to which existing water right holders have a right to and rely upon. It is the intent of the legislature that persons holding rights to water, including return flows, not be adversely affected in the implementation of the provisions of this chapter.

The purpose of this chapter is to provide the mechanism for accomplishing this in a manner that will not impair existing rights to water and to test the mechanism in two pilot planning areas designated pursuant to RCW 90.54.045(2) and in the water resource inventory areas designated under subsection (2) of this section.

(2) The department may designate up to four water resource inventory areas west of the crest of the Cascade mountains and up to four water resource inventory areas east of the crest of the Cascade mountains, as identified pursuant to chapter 90.54 RCW. The areas designated shall contain critical water supply problems and shall provide an opportunity to test and evaluate a variety of applications of sections 5 through 13 of this act, including application to municipal, industrial, and agricultural use. The department shall seek advice from appropriate state agencies, Indian tribes, local governments, representatives of water right holders, and interested parties before identifying such water resource inventory areas.

(3) The department shall provide to the appropriate legislative committees by December 31, 1993, a written evaluation of the implementation of sections 5 through 13 of this act and recommendations for future application.

NEW SECTION. Sec. 6. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ecology.

(2) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

(3) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

(4) "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).

(5) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on the effective date of this section.

NEW SECTION. Sec. 7. (1) For purposes of this chapter, the state may enter into contracts to provide moneys to assist in the financing of water conservation projects located within pilot planning areas and in water resource inventory areas designated in accordance with section 5 of this act. In consideration for the financial assistance provided, the state shall obtain public benefits defined in guidelines developed under section 9 of this act.

(2) If the public benefits to be obtained require conveyance or modification of a water right, the recipient of funds shall convey to the state the recipient's interest in that part of the water right or claim constituting all or a portion of the resulting net water savings for deposit in the trust water rights program. The amount to be conveyed shall be finitely determined by the parties, in accordance with the guidelines developed under section 9 of this act, before the expenditure of state funds. Conveyance may consist of complete transfer, lease contracts, or other legally binding agreements. When negotiating for the acquisition of conserved water or net water savings, or a portion thereof, the state may require evidence of a valid water right.

(3) As part of the contract, the water right holder and the state shall specify the process to determine the amount of water the water right holder would continue to be entitled to once the water conservation project is in place.

(4) The state shall cooperate fully with the United States in the implementation of this chapter. Trust water rights may be acquired through expenditure of funds provided

by the United States and shall be treated in the same manner as trust water rights resulting from the expenditure of state funds.

(5) If water is proposed to be acquired by or conveyed to the state as a trust water right by an irrigation district, evidence of the district's authority to represent the water right holders shall be submitted to and for the satisfaction of the department.

(6) The state shall not contract with any person to acquire a water right served by an irrigation district without the approval of the board of directors of the irrigation district. Disapproval by a board shall be factually based on probable adverse effects on the ability of the district to deliver water to other members or on maintenance of the financial integrity of the district.

NEW SECTION. Sec. 8. (1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas, or to resolve critical water supply problems in water resource inventory areas designated in accordance with section 5 of this act.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal. Water rights for which such nonpermanent conveyances are arranged shall not be subject to relinquishment for nonuse.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

NEW SECTION. Sec. 9. The department, in cooperation with federally recognized Indian tribes, local governments, state agencies, and other interested parties, shall establish guidelines by July 1, 1992, governing the acquisition, administration, and management of trust water rights. The guidelines shall address at a minimum the following:

(1) Methods for determining the net water savings resulting from water conservation projects or programs carried out in accordance with this chapter, and other factors to be

considered in determining the quantity or value of water available for potential designation as a trust water right;

(2) Criteria for determining the portion of net water savings to be conveyed to the state under this chapter;

(3) Criteria for prioritizing water conservation projects;

(4) A description of potential public benefits that will affect consideration for state financial assistance in section 7 of this act;

(5) Procedures for providing notification to potentially interested parties;

(6) Criteria for the assignment of uses of trust water rights acquired in areas of the state not addressed in a regional water resource plan or critical area agreement; and

(7) Contracting procedures and other procedures not specifically addressed in this section.

These guidelines shall be submitted to the joint select committee on water resource policy before adoption.

NEW SECTION. Sec. 10. The policies and purposes of this chapter shall not be construed as replacing or amending the policies or the purposes for which funds available under chapter 43.83B or 43.99E RCW may be used.

NEW SECTION. Sec. 11. Nothing in this chapter authorizes the involuntary impairment of any existing water rights.

NEW SECTION. Sec. 12. (1) Within the pilot planning areas, and in water resource inventory areas designated in accordance with section 5 of this act, the state may acquire all or portions of existing water rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) The provisions of RCW 90.03.380 and 90.03.390 apply to transfers of water rights under this section.

(5) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

NEW SECTION. Sec. 13. It is the intent of the legislature that jurisdictional authorities that exist in law not be expanded, diminished, or altered in any manner whatsoever by this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 90.14 RCW to read as follows:

This chapter shall not apply to trust water rights held or exercised by the department of ecology under chapter 90.38 or 90.-- RCW (sections 1 and 5 through 13 of this act).

Sec. 15. RCW 90.03.380 and 1987 c 109 s 94 are each amended to read as follows:

The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That said right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and said application shall not be granted until notice of said application shall be published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be

made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other land owners or impair the financial integrity of either of the districts.

A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district.

This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.----- through 90.----- (sections 5 through 11 of this 1991 act).

Sec. 16. RCW 19.27.170 and 1989 c 348 s 8 are each amended to read as follows:

(1) The state building code council shall adopt rules under chapter 34.05 RCW that implement and incorporate the water conservation performance standards in subsections ~~((3))~~ (4) and ~~((4))~~ (5) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) The legislature recognizes that a phasing-in approach to these new standards is appropriate. Therefore, standards in subsection ~~((3))~~ (4) of this section shall take effect on July 1, 1990. The standards in subsection ~~((4))~~ (5) of this section shall take effect July 1, 1993.

(3) No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity may, for purposes of use in this state, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures unless the fixtures meet the standards as provided for in this section.

(4) Standards for water use efficiency effective July 1, 1990.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets	3.5 gpf.
Flushometer-valve toilets	3.5 gpf.
Flushometer-tank toilets	3.5 gpf.
Electromechanical hydraulic toilets	3.5 gpf.

(b) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(c) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(d) Standard for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

Bathroom faucets	3.0 gpm.
Lavatory faucets	3.0 gpm.
Kitchen faucets	3.0 gpm.
Replacement aerators	3.0 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be

equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous flush basis shall be permitted.

~~((4))~~ (5) Standards for water use efficiency effective July 1, 1993.

(a) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets	1.6 gpf.
Flushometer-tank toilets	1.6 gpf.
Electromechanical hydraulic toilets	1.6 gpf.

(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(c) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

Bathroom faucets	2.5 gpm.
Lavatory faucets	2.5 gpm.
Kitchen faucets	2.5 gpm.
Replacement aerators	2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self-closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.

~~((5) The building code council shall make an assessment regarding the low volume fixtures required under subsection (4) of this section. The assessment shall consider the availability of low volume fixtures which are technologically feasible, will operate effectively, and are economically justified. The council shall also assess the potential impact on the necessary flow or water required to insure sewerage or septic lines and treatment plants will effectively operate.~~

~~The council shall submit a report to the chief clerk of the house of representatives and the secretary of the senate by October 30, 1992, setting forth its conclusions, and any recommendations for legislative action.)~~

(6) The building code council shall establish methods and procedures for testing and identifying fixtures that meet the standards established in subsection (5) of this section. The council shall use the testing standards designated as American national standards, written under American national standards institute procedures or other widely recognized national testing standards. The council shall either review test results from independent testing laboratories that are submitted by manufacturers of plumbing fixtures or accept data submitted to and evaluated by the international association of plumbing and mechanical officials. The council shall publish and widely distribute a current list of fixtures that meet the standards established in subsection (5) of this section.

(7) The building code council shall adopt rules for marking and labeling fixtures meeting the standards established in subsection (5) of this section.

(8) This section shall not apply to fixtures installed before the effective date of this section that are removed and relocated to another room or area of the same building after the effective date of this section, nor shall it apply to fixtures, as determined by the council, that in order to perform a specialized function, cannot meet the standards specified in this section.

(9) The water conservation performance standards shall supersede all local government codes. After July 1, 1990, cities, towns, and counties shall not amend the

code revisions and standards established under subsection (~~((3)-or)~~) (4) or (5) of this section.

Sec. 17. RCW 35.67.020 and 1965 c 7 s 35.67.020 are each amended to read as follows:

Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service.

In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Sec. 18. RCW 35.92.010 and 1985 c 445 s 4 and 1985 c 444 s 2 are each reenacted and amended to read as follows:

A city or town may construct, condemn and purchase, purchase, acquire, add to, alter, maintain and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: PROVIDED, That the rates charged must be uniform for the same class of customers or service. Such waterworks may include facilities for the generation of electricity as a byproduct and such electricity may be used by the city or town or sold to an entity authorized by law to distribute electricity. Such electricity is a byproduct when the electrical generation is subordinate to the primary purpose of water supply.

In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and

acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a city or town that does not own or operate an electric utility system to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner.

Sec. 19. RCW 56.16.090 and 1974 ex.s. c 58 s 3 are each amended to read as follows:

The sewer commissioners of any sewer district, in the event that such sewer revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of sewerage disposal service to those to whom such service is available. Such rates and charges may be combined for the furnishing of more than one type of sewer service such as but not limited to storm or surface water and sanitary. Such rates and charges are to be fixed as deemed necessary by such sewer commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such system of sewerage, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; the achievement of water conservation goals and the discouragement of wasteful water use practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates are to be made on a monthly basis and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system.

Sec. 20. RCW 57.20.020 and 1983 c 167 s 164 are each amended to read as follows:

(1) Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be in bearer form or registered as to principal or interest or both, as provided in RCW 39.46.030, and may provide for conversion between registered and coupon bonds; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates payable at such time or times as authorized by the board; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile; and may have facsimile signatures of said president or secretary imprinted on any interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or authorizing such bonds, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the owner of any bond payable from such special fund may bring suit or action against the water district and compel such setting aside and payment.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

(3) The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service.

In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system

including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system.

Sec. 21. RCW 54.24.080 and 1959 c 218 s 9 are each amended to read as follows:

(1) The commission of each district which shall have revenue obligations outstanding shall have the power and shall be required to establish, maintain, and collect rates or charges for electric energy and water and other services, facilities, and commodities sold, furnished, or supplied by the district which shall be fair and nondiscriminatory and adequate to provide revenues sufficient for the payment of the principal of and interest on such revenue obligations for which the payment has not otherwise been provided and all payments which the district is obligated to set aside in any special fund or funds created for such purpose, and for the proper operation and maintenance of the public utility and all necessary repairs, replacements, and renewals thereof.

(2) In establishing rates or charges for water service, commissioners may in their discretion consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 22. RCW 80.28.010 and 1990 1st ex.s. c 1 s 5 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1991:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(ii) Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(ii) Assist the customer in fulfilling the requirements under this section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(v) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(c) A payment plan implemented under this section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(8) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

Sec. 23. RCW 80.28.025 and 1980 c 149 s 2 are each amended to read as follows:

(1) In establishing rates for each gas and electric company regulated by this chapter, the commission shall adopt policies to encourage meeting or reducing energy demand through cogeneration as defined in RCW 82.35.020, measures which improve the efficiency of energy end use, and new projects which produce or generate energy from

renewable resources, such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood waste, municipal wastes, agricultural products and wastes, and end-use waste heat. These policies shall include but are not limited to allowing a return on investment in measures to improve the efficiency of energy end use, cogeneration, or projects which produce or generate energy from renewable resources which return is established by adding an increment of two percent to the rate of return on common equity permitted on the company's other investment. Measures or projects encouraged under this section are those for which construction or installation is begun after June 12, 1980, and before January 1, 1990, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use which is less than or equal to the incremental system cost per unit of energy delivered to end use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric company could acquire to meet energy demand in the same time period. The rate of return increment shall be allowed for a period not to exceed thirty years after the measure or project is first placed in the rate base.

(2) In establishing rates for water companies regulated by this chapter, the commission may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

NEW SECTION. Sec. 24. A new section is added to chapter 82.04 RCW to read as follows:

The tax imposed by RCW 82.04.240 shall not apply to the treatment or processing of effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

Sec. 25. RCW 90.14.140 and 1987 c 125 s 1 are each amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;
- (b) Active service in the armed forces of the United States during military crisis;
- (c) Nonvoluntary service in the armed forces of the United States;
- (d) The operation of legal proceedings;
- (e) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or

(b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later, or

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

(e) If the nonuse occurs after the effective date of this section, where such right is claimed by an irrigation district for the benefit of lands lying within such district, or

(f) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

NEW SECTION. Sec. 26. A new section is added to chapter 82.12 RCW to read as follows:

This chapter shall not apply with respect to the use of treated or processed effluent water purchased for commercial use directly from a sewage treatment facility operated by any county, city, town, political subdivision, or municipal or quasi-municipal corporation of this state. This section shall expire December 31, 1993, unless extended by the legislature.

NEW SECTION. Sec. 27. Sections 1 and 5 through 13 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 28. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

NEW SECTION. Sec. 29. If specific funding for the purposes of this act, referencing this act by bill number, is not provided by June 30, 1991, in the omnibus appropriations act, this act shall be null and void.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 90.54.045, 90.03.380, 19.27.170, 35.67.020, 56.16.090, 57.20.020, 54.24.080, 80.28.010, 80.28.025, and 90.14.140; reenacting and amending RCW 35.92.010; adding a new section to chapter 90.54 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 90 RCW; creating new sections; providing an effective date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Hansen, Newhouse; Representatives Belcher, Hine, Miller.

MOTION

Ms. Belcher moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 2026.

POINT OF ORDER

Mr. Padden: I would like a ruling on scope and object of the Conference Committee amendments to Engrossed Substitute House Bill No. 2026.

With consent of the House, further consideration of Engrossed Substitute House Bill No. 2026 was deferred.

REPORT OF CONFERENCE COMMITTEE

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096, requiring state laws and rules to be assessed to determine adverse impacts on agriculture, have had the same under consideration and we recommend that:

The amendments by Committee on Agriculture & Rural Development, adopted by the House on 4/18/91, be adopted as further amended with the following amendments by the Conference Committee:

On page 2, after line 2 of the amendments, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 34.05 RCW to read as follows:

Any agency proposing a rule that the head of the agency, or the agency head's designee, believes is likely to have an adverse impact on the agriculture industry of this state shall notify the director of the department of agriculture regarding the proposed rule and the likely adverse impact. If the director, or the director's designee, notifies the agency proposing the rule that the department of agriculture desires to be consulted regarding the rule, the adopting agency shall consult with the department prior to adopting the rule."

On page 2, line 7 of the title amendment, after "insert" strike the remainder of the title amendment, and insert ""adding new sections to chapter 15.04 RCW; and adding a new section to chapter 34.05 RCW.""

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Barr, Newhouse, Hansen; Representatives Rayburn, Kremen, Nealey.

MOTION

Ms. Rayburn moved that the House refuse to adopt the report of the Conference Committee on Engrossed Second Substitute House Senate Bill No. 5096 and return the bill to the Senate as originally amended by the House. The motion was carried.

The Speaker stated the question before the House to be final passage of Engrossed Second Substitute Senate Bill No. 5096 as originally amended by the House.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Second Substitute Senate Bill No. 5096 as originally amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden,

Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Holland - 01.

Engrossed Second Substitute Senate Bill No. 5096 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

MESSAGES FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 5474, and failed to pass the bill as recommended by the Conference Committee. Upon reconsideration, the bill was passed as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5612, and passed as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 4418,
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

SENATE AMENDMENTS TO HOUSE BILL

April 28, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1299 with the following amendments:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 84.38.020 and 1984 c 220 s 20 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Claimant" means a person who (~~is receiving a property tax exemption under RCW 84.36.381 through 84.36.389 and who~~) either elects or is required under RCW 84.64.030 or 84.64.050 to defer payment of the special assessments and/or real property

taxes accrued on ~~((his))~~ the claimant's residence by filing a declaration to defer as provided by this chapter.

When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who the claimant shall be.

(2) "Department" means the state department of revenue.

(3) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

(4) "Special assessment" means the charge or obligation imposed by a city, town, county, or other municipal corporation upon property specially benefited by a local improvement, including assessments under chapters 35.44, 36.88, 36.94, 53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant chapter.

(5) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.

Sec. 2. RCW 84.38.030 and 1988 c 222 s 11 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on ~~((his property that is receiving an exemption under RCW 84.36.381 through 84.36.389 or))~~ up to eighty percent of the amount of ~~((his))~~ the claimant's equity value in ~~((said property))~~ the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the income limits.

(2) The claimant must have a combined disposable income, as defined in RCW 84.36.383, of thirty thousand dollars or less.

(3) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

~~((2))~~ (4) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value: PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.

~~((3))~~ (5) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

Sec. 3. RCW 84.36.381 and 1987 c 301 s 1 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the exemption is claimed: PROVIDED, That any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant shall receive an exemption on more than one residence in any year: PROVIDED FURTHER, That confinement of the person to a hospital or nursing home shall not disqualify the claim of exemption if the residence is temporarily unoccupied or if the residence is occupied by a spouse and/or a person financially dependent on the claimant for support;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing

association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant, and any lease for life shall be deemed a life estate;

(3) The person claiming the exemption must (~~(have been)~~) be sixty-one years of age or older on (~~(January 1st)~~) December 31st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving an exemption at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the preceding year, the combined disposable income of such person shall be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve.

(5) (a) A person who otherwise qualifies under this section and has a combined disposable income of eighteen thousand dollars or less shall be exempt from all excess property taxes; and

(b)(i) A person who otherwise qualifies under this section and has a combined disposable income of fourteen thousand dollars or less but greater than twelve thousand dollars shall be exempt from all regular property taxes on the greater of twenty-four thousand dollars or thirty percent of the valuation of his or her residence, but not to exceed forty thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income of twelve thousand dollars or less shall be exempt from all regular property taxes on the greater of twenty-eight thousand dollars or fifty percent of the valuation of his or her residence.

Sec. 4. RCW 84.36.383 and 1991 c __ s 1 (HB 1642) are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, except where the context clearly indicates a different meaning:

(1) The term "residence" shall mean a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre. The term shall also include a share ownership in a cooperative housing association, corporation, or partnership if the person claiming exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term shall also include a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080, 84.04.090 or 84.40.250, such a residence shall be deemed real property.

(2) The term "real property" shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities: PROVIDED, That a mobile home located on land leased by the owner of the mobile home shall be subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) The term "preceding calendar year" shall mean the calendar year preceding the year in which the claim for exemption is to be made.

(4) "Department" shall mean the state department of revenue.

(5) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the preceding calendar year, less amounts paid by the person claiming the exemption or his or her spouse during the previous year for the treatment or care of either person received in the home or in a nursing home.

(6) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits other than attendant-care and medical-aid payments;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(7) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 6. Sections 1 and 2 of this act shall be effective for taxes levied for collection in 1991 and thereafter. Sections 3 and 4 of this act shall be effective for taxes levied for collection in 1992 and thereafter.

On page 1, line 4 of the title, after "year;" strike the remainder of the title and insert "amending RCW 84.38.020, 84.38.030, 84.36.381, and 84.36.383; creating a new section; and declaring an emergency."
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to House Bill No. 1299. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Bill No. 1299 as amended by the Senate.

Mr. Wang spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Ferguson.

Mr. Ferguson: Representative Wang, would you advise us of the threshold level for exemption in this bill, please?

Mr. Wang: There is no property tax exemption under this bill. There is a property tax deferral. The property tax deferral remains in this bill--the same as it passed the House--at thirty thousand dollars.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1299 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Holland - 01.

House Bill No. 1299 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

April 28, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1301 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The department of revenue shall study the administration of the property tax system. The study shall include examination of and recommendations regarding the following issues:

(a) Annual revaluations:

(i) Whether the property tax system would be improved by revaluing all property annually, and if annual revaluations would be an improvement, the extent of the improvement.

(ii) The cost of increasing the frequency of revaluations, including the increased burden on smaller counties.

(iii) Whether any move to annual revaluations should be phased in over a period of years.

(iv) Whether the state should assist in meeting any increased costs of annual revaluations.

(v) What assistance the department can provide in helping counties achieve annual revaluations.

(b) General property tax administration:

(i) The adequacy of information and tools relating to property location and value, including items such as maps, property data, sales data, geographic information systems, and computer systems.

(ii) The proper role and the effectiveness of county boards of equalization.

(iii) The adequacy of auditing procedures for property tax relief programs.

(iv) Any other property tax administration problems that the department determines warrant study and recommendations to the legislature.

(2) The department shall report the findings of the study and the recommendations of the department to the committees of the legislature that deal with revenue matters no later than November 30, 1991.

NEW SECTION. Sec. 2. A new section is added to chapter 84.08 RCW to read as follows:

(1) The department shall prepare a clear and succinct explanation of the property tax system, including but not limited to:

(a) The standard of true and fair value as the basis of the property tax.

(b) How the assessed value for particular parcels is determined.

(c) The procedures and timing of the assessment process.

(d) How district levy rates are determined, including the one hundred six percent limit.

(e) How the composite tax rate is determined.

(f) How the amount of tax is calculated.

(g) How a taxpayer may appeal an assessment, and what issues are appropriate as a basis of appeal.

(h) A summary of tax exemption and relief programs, along with the eligibility standards and application processes.

(2) Each county assessor shall provide copies of the explanation to taxpayers on request, free of charge. Each revaluation notice shall include information regarding the availability of the explanation.

Sec. 3. RCW 36.21.015 and 1977 c 75 s 30 are each amended to read as follows:

(1) Any person having the responsibility of valuing real property for purposes of taxation including persons acting as assistants or deputies to a county assessor under RCW 36.21.011 ((as now or hereafter amended,)) shall have first:

((1) Graduated from an accredited high school or passed a high school equivalency examination;

(2)) (a) Had at least one year of experience in transactions involving real property, in appraisal of real property, or in assessment of real property, or at least one year of experience in a combination of the three;

((3)) (b) Become knowledgeable in repair and remodeling of buildings and improvement of land, and in the significance of locality and area to the value of real property; ((and

(4)) (c) Become knowledgeable in the standards for appraising property set forth by the department of revenue; and

(d) Met other minimum requirements specified by department of revenue rule.

(2) The department of ((personnel shall prepare with the advice of the department of)) revenue shall prepare and administer an examination on ((the)) subjects ((of subsections (3) and (4), and)) related to the valuation of real property. No person shall assess real property for purposes of taxation without having passed said examination or having received an examination waiver from the department of revenue upon showing

education or experience determined by the department to be equivalent to passing the examination. A person passing said examination or receiving an examination waiver shall be ((certified)) accredited accordingly by the ((director of the)) department of ((personnel: PROVIDED, HOWEVER, That)) revenue.

(3) The department of revenue may by rule establish continuing education requirements for persons assessing real property for purposes of taxation. The department shall provide accreditation of completion of requirements imposed under this section. No person shall assess real property for purposes of taxation without complying with requirements imposed under this subsection.

(4) To the extent practical, the department of revenue shall coordinate accreditation requirements under this section with the requirements for certified real estate appraisers under chapter 18.140 RCW.

(5) The examination requirements of subsection (2) of this section shall not apply to any person who shall have either:

((1)) (a) Been certified as a real property appraiser by the department of personnel prior to ((May 21, 1971)) July 1, 1992; or

((2)) (b) Attended and satisfactorily completed the assessor's school operated jointly by the department of revenue and the Washington state assessors association prior to August 9, 1971.

Sec. 4. RCW 36.21.100 and 1987 c 138 s 8 are each amended to read as follows:

Every county assessor shall report to the department of revenue on the property tax levies and related matters within the county annually at a date and in a form prescribed by the department of revenue. The report shall include, but need not be limited to, the results of sales-assessment ratio studies performed by the assessor. The ratio studies shall be based on use classes of real property and shall be performed under a plan approved by the department of revenue.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except section 3 of this act, which shall take effect July 1, 1992.

On page 1, line 4 of the title, after "study;" strike the remainder of the title and insert "amending RCW 36.21.015 and 36.21.100; adding a new section to chapter 84.08 RCW; creating a new section; providing an effective date; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Substitute House Bill No. 1301. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1301 as amended by the Senate.

Representatives Wang and Horn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1301 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Holland - 01.

Substitute House Bill No. 1301 as amended by the Senate, having received the constitutional majority, was declared passed.

REPORT OF CONFERENCE COMMITTEE

ESSB 5555

April 28, 1991

Includes "New Item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, providing assistance for timber harvesting areas, have had the same under consideration and we recommend that:

All previous amendments not be adopted, and the following striking amendment by the Conference Committee be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The economic health and well-being of timber-dependent communities is of substantial public concern. The significant reduction in annual timber harvest levels likely will result in reduced economic activity and persistent unemployment and underemployment over time, which would be a serious threat to the safety, health, and welfare of residents of the timber impact areas, decreasing the value of private investments and jeopardizing the sources of public revenue.

(2) Timber impact areas are most often located in areas that are experiencing little or no economic growth, creating an even greater risk to the health, safety, and welfare of these communities. The ability to remedy problems caused by the substantial reduction in harvest activity is beyond the power and control of the regulatory process and influence of the state, and the ordinary operations of private enterprise without additional governmental assistance are insufficient to adequately remedy the resulting problems of poverty and unemployment.

(3) To address these concerns, it is the intent of the legislature to increase training and retraining services accessible to timber impact areas, and provide for coordination of

noneconomic development services in timber impact areas as economic development efforts will not succeed unless social, housing, health, and other needs are addressed.

NEW SECTION. Sec. 2. (1) Coordination of the programs in this act shall be through the economic recovery coordination board created in section 6, chapter ____, Laws of 1991 (Engrossed Substitute House Bill No. 1341), the timber recovery coordinator created in section 3, chapter ____, Laws of 1991 (Engrossed Substitute House Bill No. 1341), and the agency timber task force created in section 4, chapter ____, Laws of 1991 (Engrossed Substitute House Bill No. 1341).

(2) This section shall expire June 30, 1993.

NEW SECTION. Sec. 3. (1) Subject to the availability of state or federal funds, the employment security department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall consult with and may subcontract with local educational institutions, local businesses, local labor organizations, local associate development organizations, local private industry councils, local social service organizations, and local governments in carrying out a program of training and services, including training through the self-employment and enterprise development (SEED) program, for dislocated workers in timber impact areas.

(2) The department shall conduct a survey to determine the actual future employment needs and jobs skills in timber impact areas.

(3) The department shall coordinate the services provided in this section with all other services provided by the department and with the other economic recovery efforts undertaken by state and local government agencies on behalf of the timber impact areas.

(4) The department shall make every effort to procure additional federal and other moneys for the efforts enumerated in this section.

(5) For the purposes of this section, "timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 4. A new section is added to chapter 50.22 RCW to read as follows:

(1) An additional benefit period is established for counties identified under subsection (2) of this section beginning on the first Sunday after the effective date of this section and for the forest products industry beginning with the third week after the first Sunday after the effective date of this section. Benefits shall be paid as provided in subsection (3) of this section to exhaustees eligible under subsection (4) of this section.

(2) The additional benefit period applies to counties having a population of less than five hundred thousand beginning with the third week after a week in which the commissioner determines that a county meets two of the following three criteria, as determined by the department, for the most recent year in which such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average. The additional benefit period for a county may end no sooner than fifty-two weeks after the additional benefit period begins.

(3) Additional benefits shall be paid as follows:

(a) No new claims for additional benefits shall be accepted for weeks beginning after July 3, 1993, but for claims established on or before July 3, 1993, weeks of unemployment occurring after July 3, 1993, shall be compensated as provided in this section.

(b) The total additional benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. Additional benefits shall not be payable for weeks more than one year beyond the end of the benefit year of the regular claim, and shall be payable for up to five weeks following the completion of the training required by this section.

(c) The weekly benefit amount shall be calculated as specified in RCW 50.22.040.

(d) Benefits paid under this section shall be paid under the same terms and conditions as regular benefits and shall not be charged to the experience rating account of individual employers. The additional benefit period shall be suspended with the start of an extended benefit period, or any totally federally funded benefit program, with eligibility criteria and benefits comparable to the program established by this section, and shall resume the first week following the end of the federal program.

(4) An additional benefit eligibility period is established for any exhaustee who:

(a)(i) At the time of last separation from employment, resided in or was employed in a county identified under subsection (2) of this section; or

(ii) During his or her base year, earned wages in at least six hundred eighty hours in the forest products industry, which shall be determined by the department but shall include the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting the industries covered under this subsection. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and

(b) (i) Has received notice of termination or lay off; and

(ii) Is unlikely to return to employment in his or her principal occupation or previous industry because of a diminishing demand within his or her labor market for his or her skills in the occupation or industry; and

(c)(i) Is notified by the department of the requirements of this section and develops an individual training program that is submitted to the commissioner for approval not later than sixty days after the individual is notified of the requirements of this section, and enters the approved training program not later than ninety days after the date of the individual's termination or layoff, or ninety days after the effective date of this section, whichever is later, unless the department determines that the training is not available during the ninety-day period, in which case the individual shall enter training as soon as it is available; or

(ii) Is enrolled in training approved under this section on a full-time basis and maintains satisfactory progress in the training; and

(d) Does not receive a training allowance or stipend under the provisions of any federal or state law.

(5) For the purposes of this section:

(a) "Training program" means:

(i) A remedial education program determined to be necessary after counseling at the educational institution in which the individual enrolls pursuant to his or her approved training program; or

(ii) A vocational training program at an educational institution that:

(A) Is training for a labor demand occupation;

(B) Is likely to facilitate a substantial enhancement of the individual's marketable skills and earning power; and

(C) Does not include on-the-job training or other training under which the individual is paid by an employer for work performed by the individual during the time that the individual receives additional benefits under subsection (1) of this section.

(b) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410(3).

(c) "Training allowance or stipend" means discretionary use, cash-in-hand payments available to the individual to be used as the individual sees fit, but does not mean direct or indirect compensation for training costs, such as tuition or books and supplies.

(6) The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the employment security department.

(2) "Dislocated forest products worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area.

(3) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(4) "Program" means the employment and career orientation program for dislocated forest products workers administered by the employment security department in conjunction with the department of natural resources.

(5) "Enrollee" means any person enrolled in the program.

(6) "Project" means the natural resource worker project.

(7) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 6. It is the purpose of this chapter to establish programs that offer dislocated forest products workers, in timber impact areas, opportunities for forest-related employment that utilizes their unique skills. Employment under the program shall not result in the displacement or partial displacement of currently employed workers. This includes, but is not limited to, state employees or currently or normally contracted service employees.

NEW SECTION. Sec. 7. (1) Employment opportunities under the program shall consist of activities that improve the value of state lands and waters. These activities may include, but are not limited to, thinning and precommercial thinning, pruning, slash removal, reforestation, fire suppression, trail maintenance, maintenance of recreational facilities, dike repair, development and maintenance of tourist facilities, and stream enhancement.

(2) Enrollees in the program shall receive medical and dental benefits as provided under chapter 41.05 RCW, but are exempt from the provisions of chapter 41.06 RCW. Each week, enrollees shall not work more than thirty-two hours in this program and must participate in eight hours of career orientation as established in section 8 of this act. Participation in the program is limited to six months.

NEW SECTION. Sec. 8. (1) The department shall recruit program applicants and provide employment opportunities by:

(a) Notifying dislocated forest products workers who are receiving unemployment benefits, or dislocated forest products workers who have exhausted unemployment benefits, of their eligibility for the program.

(b) Establishing procedures for dislocated forest products workers to apply to the program.

(c) Developing a pool of workers eligible to enroll in the program.

(d) Contracting with the department of natural resources to provide employment opportunities for not less than two hundred eligible enrollees.

(2) The department shall provide career orientation services to enrollees in the program. The career orientation services shall include, but are not limited to, counseling on employment options and assistance in accessing retraining programs, and assistance in accessing social service programs.

(3) The department shall provide at least eight hours of career counseling each week for program enrollees.

NEW SECTION. Sec. 9. (1) The department of natural resources shall enroll candidates in the program from a pool of eligible workers developed by the department.

(2) The department of natural resources shall provide compensation for enrollees.

NEW SECTION. Sec. 10. The legislature finds that an increase in unemployment due to the declining timber economy in the state is imminent. The legislature further recognizes that employment opportunities in state and local government in other natural resource management professions exist and that dislocated forest products workers in the timber-related professions represent a potential work force in the areas of fisheries, wildlife, and recreation.

NEW SECTION. Sec. 11. The department, subject to the availability of funding, shall establish the natural resource worker project. The project shall terminate on July 1, 1996, and shall provide employment and training opportunities for dislocated forest products workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department of personnel shall approve the project. The goal of the project is to allow project employees to be, upon termination of their participation in the project, eligible for permanent employment with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

NEW SECTION. Sec. 12. The department shall use nonfederal funds that it receives for dislocated forest products workers to contract with the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission to hire project participants to conduct tasks in the areas of fisheries, wildlife, forestry, ecology, and recreation.

NEW SECTION. Sec. 13. The project shall include the following elements:

(1) Recruitment of dislocated forest products workers;

(2) Placement in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission;

(3) On-the-job training in entry-level natural resource management skills;

(4) Comparable salaries and benefits to entry-level positions already existing in the departments of wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission.

NEW SECTION. Sec. 14. The department, along with the departments of personnel, wildlife, fisheries, ecology, and natural resources, and the parks and recreation commission shall report annually to the legislature on November 1 of each year beginning November 1, 1992, and until November 1, 1995.

The report shall include, at a minimum, the following elements:

- (1) The number of project employees;
- (2) The number and description of positions filled, by agency;
- (3) Training received;
- (4) Duration of employment; and
- (5) Placement in permanent positions.

Sec. 15. RCW 28B.50.030 and 1985 c 461 s 14 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community colleges, which shall be a system of higher education;

(2) "College board" shall mean the state board for community college education created by this chapter;

(3) "Director" shall mean the administrative director for the state system of community colleges;

(4) "District" shall mean any one of the community college districts created by this chapter;

(5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

(6) "Council" shall mean the coordinating council for occupational education;

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree;

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade;

(9) "Common school board" shall mean a public school district board of directors;

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education;

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute;

(12) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because

of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area;

(13) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c);

(14) "Timber impact area" shall mean a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 16. A new section is added to chapter 28B.50 RCW to read as follows:

To the extent that funds are specifically appropriated therefor, the state board for community college education shall provide training and retraining in timber impact areas as follows:

(1) Disbursement of funds to individual community colleges for supplemental slots in cases where enrollment demand exceeds allocation;

(2) Pilot projects for innovative approaches to literacy and employment training. Pilot projects may include, but are not limited to:

(a) Training for cranberry industry research, coordinated by the Washington State University coastal research unit, Long Beach;

(b) Training through Grays Harbor Community College for dislocated forest products workers to fill positions as safety training and vessel inspectors. They shall contract with those organizations deemed appropriate to carry out this program;

(c) Training through Skagit Valley Community College for dislocated forest products workers in natural resources technical programs in stream enhancement, including waters upstream or downstream as well as adjacent to state lands; water quality enhancement; irrigation repair; and the building of shellfish beds;

(d) Training for agricultural development, diversification, marketing, and processing programs in timber impact areas.

Nothing in subsection (2) of this section shall be construed to provide priority for the projects listed in subsection (2) of this section.

For the purposes of this section, the number of full-time equivalent students to be served during any biennium shall be determined by the applicable omnibus appropriations act and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act.

NEW SECTION. Sec. 17. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The state board for community college education shall administer a program designed to provide higher education opportunities to dislocated forest products workers and their unemployed spouses who are enrolled in a community or technical college for

ten or more credit hours per quarter. In administering the program, the college board shall have the following powers and duties:

- (a) With the assistance of an advisory committee, design a procedure for selecting dislocated forest products workers to participate in the program;
 - (b) Allocate funding to community and technical colleges attended by participants;
 - (c) Monitor the program and report on participants' progress and outcomes; and
 - (d) Report to the legislature by December 1, 1993, on the status of the program.
- (2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.
- (3) The boards of trustees of the community and technical colleges shall waive tuition and fees for program participants, for a maximum of six quarters within a two-year period.
- (4) During any biennium, the number of full-time equivalent students to be served in this program shall be determined by the applicable omnibus appropriations act, and shall be in addition to the community college enrollment level funded by the applicable omnibus appropriations act.

NEW SECTION. Sec. 18. A new section is added to chapter 28B.80 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 19 through 21 of this act.

(1) "Board" means the higher education coordinating board.

(2) "Dislocated forest products worker" means a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a timber impact area.

(3) "Forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c).

(4) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 19. A new section is added to chapter 28B.80 RCW to read as follows:

The board shall administer a program designed to provide upper division higher education opportunities to dislocated forest products workers, their spouses, and others in

timber impact areas. In administering the program, the board shall have the following powers and duties:

(1) Distribute funding for institutions of higher education to service placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average;

(2) Appoint an advisory committee to assist the board in program design and future project selection;

(3) Monitor the program and report on student progress and outcome; and

(4) Report to the legislature by December 1, 1993, on the status of the program.

NEW SECTION. Sec. 20. A new section is added to chapter 28B.80 RCW to read as follows:

(1) The board shall contract with institutions of higher education to provide upper division classes to serve additional placebound students in the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average; and which are not served by an existing state-funded upper division degree program. The number of full-time equivalent students served in this manner shall be determined by the applicable omnibus appropriations act. The board may direct that all the full-time equivalent enrollments be served in one of the eligible timber impact areas if it should determine that this would be the most viable manner of establishing the program and using available resources. The institutions shall utilize telecommunication technology, if available, to carry out the purposes of this section. The institutions providing the service shall waive the tuition, service, and activities fees for dislocated forest products workers or their unemployed spouses enrolled as one of the full-time equivalent students allocated to the college under this section.

(2) Unemployed spouses of eligible dislocated forest products workers may participate in the program, but tuition and fees may be waived under the program only for the worker or the spouse and not both.

(3) For any eligible participant, tuition shall be waived for a maximum of four semesters or six quarters within a two-year time period and the participant must be enrolled for a minimum of ten credits per semester or quarter.

NEW SECTION. Sec. 21. A new section is added to chapter 28B.80 RCW to read as follows:

Dislocated forest products workers and their spouses shall receive priority for attendance in upper division courses allocated under section 20 of this act. Remaining allocations may be distributed to others in the timber impact area.

NEW SECTION. Sec. 22. A new section is added to chapter 70.47 RCW to read as follows:

(1) The administrator, when specific funding is provided and where feasible, shall make the basic health plan available to dislocated forest products workers and their families in timber impact areas. The administrator shall prioritize making the plan available under this section to the timber impact areas meeting the following criteria, as determined by the employment security department: (a) A lumber and wood products employment location quotient at or above the state average; (b) a direct lumber and wood products job loss of one hundred positions or more; and (c) an annual unemployment rate twenty percent above the state average.

(2) Dislocated forest products workers assisted under this section shall meet the requirements of enrollee as defined in RCW 70.47.020(4).

(3) For purposes of this section, (a) "dislocated forest products worker" means a forest products worker who: (i)(A) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (B) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (ii) at the time of last separation from employment, resided in or was employed in a timber impact area; (b) "forest products worker" means a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(6)(c); and (c) "timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (i) A lumber and wood products employment location quotient at or above the state average; (ii) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (iii) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 23. (1) The department of community development, as a member of the agency timber task force and in consultation with the economic recovery coordination board, shall establish and administer the emergency mortgage and rental assistance program. The department shall identify the communities most adversely affected by reductions in timber harvest levels and shall prioritize assistance under this program to these communities. The department shall work with the department of social and health services and the timber recovery coordinator to develop the program in timber impact areas. Organizations eligible to receive funds for distribution under the program are those organizations that are eligible to receive assistance through the Washington housing trust fund.

(2) The goals of the program are to:

(a) Provide temporary emergency mortgage or rental assistance loans on behalf of dislocated forest products workers in timber impact areas who are unable to make current mortgage or rental payments on their permanent residences and are subject to immediate eviction for nonpayment of mortgage installments or nonpayment of rent;

(b) Prevent the dislocation of individuals and families from their permanent residences and their communities; and

(c) Maintain economic and social stability in timber impact areas.

NEW SECTION. Sec. 24. Emergency mortgage assistance shall be provided under the following general guidelines:

(1) Loans provided under the program shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) The maximum loan amount allowed under the program shall not exceed twenty thousand dollars.

(3) Loans shall be made to applicants who meet specific income guidelines established by the department.

(4) Loan payments shall be made directly to the mortgage lender.

(5) Loans shall be granted on a first-come, first-served basis.

(6) Repayment of loans provided under the program must not take more than twenty years.

(7) The department may provide for emergency short-term loans.

NEW SECTION. Sec. 25. Emergency rental assistance shall be provided under the following general guidelines:

(1) Rental assistance provided under the program may be in the form of loans or grants and shall not exceed an amount equal to twenty-four months of mortgage payments.

(2) Rental assistance shall be made to applicants who meet specific income guidelines established by the department.

(3) Rental payments shall be made directly to the landlord.

(4) Rental assistance shall be granted on a first-come, first-served basis.

NEW SECTION. Sec. 26. To be eligible for assistance under the program, an applicant must:

(1) Be unable to keep mortgage or rental payments current, due to a loss of employment, and shall be at significant risk of eviction;

(2) Have his or her permanent residence located in an eligible community;

(3) If requesting emergency mortgage assistance, be the owner of an equitable interest in the permanent residence and intend to reside in the home being financed;

(4) Be actively seeking new employment or be enrolled in a training program approved by the director; and

(5) Submit an application for assistance to an organization eligible to receive funds under section 23 of this act by June 30, 1996.

NEW SECTION. Sec. 27. The department shall carry out the following duties:

(1) Administer the program;

(2) Identify organizations eligible to receive funds to implement the program;

(3) Develop and adopt the necessary rules and procedures for implementation of the program and for dispersal of program funds to eligible organizations;

(4) Establish the interest rate for repayment of loans at two percent below the market rate;

(5) Work with lending institutions and social service providers in the eligible communities to assure that all eligible persons are informed about the program;

(6) Utilize federal and state programs that complement or facilitate carrying out the program;

(7) Submit a report to the senate commerce and labor committee and the house of representatives housing committee by January 31, 1992.

NEW SECTION. Sec. 28. (1) The department of social and health services shall help families and workers in timber impact areas make the transition through economic difficulties and shall provide services to assist workers to gain marketable skills. The department, as a member of the agency timber task force and in consultation with the economic recovery coordination board, and, where appropriate, under an interagency agreement with the department of community development, shall provide grants through the office of the secretary for services to the unemployed in timber impact areas, including providing direct or referral services, establishing and operating service delivery programs, and coordinating delivery programs and delivery of services. These grants may be awarded for family support centers, reemployment centers, or other local service agencies.

(2) The services provided through the grants may include, but need not be limited to: Credit counseling; social services including marital counseling; psychotherapy or psychological counseling; mortgage foreclosures and utilities problems counseling; drug and alcohol abuse services; medical services; and residential heating and food acquisition.

(3) Funding for these services shall be coordinated through the economic recovery coordination board which will establish a fund to provide child care assistance, mortgage assistance, and counseling which cannot be met through current programs. No funds shall be used for additional full-time equivalents for administering this section.

(4)(a) Grants for family support centers are intended to provide support to families by responding to needs identified by the families and communities served by the centers. Services provided by family support centers may include parenting education, child development assessments, health and nutrition education, counseling, and information and referral services. Such services may be provided directly by the center or through referral to other agencies participating in the interagency team.

(b) The department shall consult with the council on child abuse or neglect regarding grants for family support centers.

(5) "Timber impact area" means a county having a population of less than five hundred thousand, or a city or town located within a county having a population of less than five hundred thousand, and meeting two of the following three criteria, as determined by the employment security department, for the most recent year such data is available: (a) A lumber and wood products employment location quotient at or above the state average; (b) projected or actual direct lumber and wood products job losses of one hundred positions or more, except counties having a population greater than two hundred thousand but less than five hundred thousand must have direct lumber and wood products job losses of one thousand positions or more; or (c) an annual unemployment rate twenty percent or more above the state average.

NEW SECTION. Sec. 29. The Washington public policy institute at The Evergreen State College shall design an evaluation mechanism and shall undertake, by November 1, 1993, an evaluation of the effectiveness of the programs contained in this act. The agencies implementing the programs contained in this act shall assist the institute in the evaluation.

NEW SECTION. Sec. 30. To the extent that funds are specifically appropriated in the omnibus operating budget appropriations act for the 1991-93 biennium, the department of community development shall enhance the two reemployment centers in timber impact areas in order to continue providing referral services, counseling, and support.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 33. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately, except for section 4 of this act, which shall take effect July 1, 1991.

NEW SECTION. Sec. 34. If specific funding for the purposes of sections 5 through 9 of this act, referencing sections 5 through 9 of this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 5 through 9 of this act shall be null and void.

NEW SECTION. Sec. 35. If specific funding for the purposes of sections 10 through 14 of this act, referencing sections 10 through 14 of this act by bill and section

numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 10 through 14 of this act shall be null and void.

NEW SECTION. Sec. 36. If specific funding for the purposes of sections 23 through 27 of this act, referencing sections 23 through 27 of this act by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, sections 23 through 27 of this act shall be null and void.

NEW SECTION. Sec. 37. If specific funding for the purposes of section 28, 29, or 30 of this act, referencing such section or sections by bill and section numbers, is not provided by June 30, 1991, in the omnibus appropriations act, each section not referenced shall be null and void.

NEW SECTION. Sec. 38. (1) Sections 5 through 14 of this act shall constitute a new chapter in Title 50 RCW.

(2) Sections 23 through 27 of this act are each added to chapter 43.63A RCW.

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.80 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 50.22 RCW; adding a new section to chapter 70.47 RCW; adding a new chapter to Title 50 RCW; creating new sections; providing an effective date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Anderson, Owen, Matson; Representatives Belcher, Sheldon, Bowman.

MOTION

Ms. Belcher moved that the House adopt the Report of Conference Committee on Engrossed Substitute Senate Bill No. 5555. The motion was carried.

POINT OF INQUIRY

Ms. Belcher yielded to question by Ms. Fraser:

Ms. Fraser: This bill establishes a five-year natural resources worker project to assist dislocated forest products workers. A goal of the program is to enable these workers to become eligible for permanent state employment with agencies, such as the Departments of Wildlife, Fisheries, Natural Resources and others. Does this bill provide that these workers will be guaranteed jobs with the state after they finish the program?

Ms. Belcher: No, Representative Fraser. These workers will receive training to help them qualify for state employment, but they will not receive any preferences as a result of participating in the program and they will be required to meet all the standard eligibility requirements for state employment.

Representatives Bowman and Sheldon spoke in favor of passage of the bill.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute Senate Bill No. 5555 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute Senate Bill No. 5555 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R.; Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Holland - 01.

Engrossed Substitute Senate Bill No. 5555 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026, by House Committee on Natural Resources & Parks (originally sponsored by Representatives Fraser, Miller, Valle, Rayburn, McLean, Belcher, Jacobsen, Nealey, Paris, Winsley and Chandler; by request of Joint Select Committee on Water Resources Policy)

Providing for comprehensive water resources management.

The House resumed consideration of Engrossed Substitute House Bill No. 2026. (For previous action, see today's Journal.)

The Speaker stated the question before the House to be the Point of Order by Representative Padden regarding the scope and object of the Conference Committee amendments.

SPEAKER'S RULING

The Speaker: Engrossed Substitute House Bill No. 2026 is a measure dealing with water resources management--a comprehensive bill. It deals with a number of matters relating to resource management, conservation and water use efficiency.

The Conference Committee report deals with issues of water resources management. While it does amend some additional RCW sections, the subject of these amendments is the same as the underlying bill. The Speaker finds, Representative Padden, that your point is not well taken. The Conference Committee report does not change the scope and object of the House Bill.

The Speaker stated the question before the House to be the motion by Representative Belcher to adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 2026. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2026 as recommended by Conference Committee.

Representatives Morton and Padden spoke against passage of the bill, and Representatives Fraser and Miller spoke in favor of it.

The Speaker called on Representative R. Meyers to preside.

Representatives Belcher and Nealey spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 2026 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Holland - 01.

Engrossed Substitute House Bill No. 2026 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

The Speaker resumed the Chair.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Mr. Dorn demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Holland and Locke.

On motion of Mr. Ebersole, the absent members were excused and the House proceeded with business under the Call of the House.

MOTION FOR RECONSIDERATION

Mr. Wineberry, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Senate Concurrent Resolution No. 8414 as amended by the House was not adopted by the House.

Representative Locke appeared at the bar of the House.

RECONSIDERATION

The Speaker stated the question before the House to be reconsideration of final passage of Senate Concurrent Resolution No. 8414 as amended by the House.

Representatives Ebersole, Appelwick, Inslee, Heavey; R. Meyers, Jones, Cole, Wineberry, Locke, H. Sommers, Dorn, Peery and Morris spoke in favor of passage of the resolution, and Representatives Ballard and Van Luyen spoke against it.

Mr. Ebersole demanded an oral roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on reconsideration of final passage of Senate Concurrent Resolution No. 8414 as amended by the House, and the resolution was not adopted by the following vote: Yeas - 58, Nays - 39, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, Ogden, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Ballard, Beck, Berozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Day, Edmondson, Ferguson, Former, Fuhrman, Hochstatter,

Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, O'Brien, Orr, Padden, Prince, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 39.

Excused: Representative Holland - 1.

Senate Concurrent Resolution No. 8414 as amended by the House, having failed to received the constitutional two-thirds majority, was declared lost.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4700, by Representatives Hine and Prince

WHEREAS, The regular session of the 1991 Legislature is drawing to a close; and

WHEREAS, The staff of the House of Representatives has once again labored long and hard to assist us in our legislative tasks; and

WHEREAS, Our professional nonpartisan staff is the best in state government, laboring long hours to do research, draft and perfect the thousands of great bills we dream up; and

WHEREAS, The billroom and workroom staff work long, tiring hours to prepare the tons of paperwork we need to work all those swell bills; and

WHEREAS, Our professional caucus staff has worked diligently and loyally to assist us in our work; and

WHEREAS, The session workers have guarded us, fed us, transported us, staffed our committees and in all ways helped us perform our jobs; and

WHEREAS, Our personal administrative assistants have once again performed the impossible by shuffling thousands of pieces of mail, answering our constantly ringing telephones, keeping our hectic schedules, and managing to deal politely with all our visitors; and

WHEREAS, The faithful assistance of all these people contribute greatly to our ability to fulfill our duties as state legislators;

NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives extend our sincere appreciation to all those employees who have worked long and hard for the good of all of us; and

BE IT FURTHER RESOLVED, That copies of this resolution be distributed to staff offices and work areas in appreciation for a job well done.

Ms. Hine moved adoption of the resolution. Representatives Hine, Prince and Rasmussen spoke in favor of the resolution.

House Resolution No. 91-4700 was adopted.

MOTION

On motion of Ms. Miller, the House dispensed with further business under the Call of the House.

RESOLUTION

HOUSE RESOLUTION NO. 91-4701, by Representatives Brekke, Hine, G. Fisher, Orr, Betrozoff, Jacobsen, Edmondson, Nelson, Valle, Wineberry, Rayburn, Pruitt, Phillips, Kremen, Spanel, Inslee, Cole, Rust, Hargrove, Basich, Franklin, H. Sommers, Grant, Belcher, Riley, Anderson, Roland, Prentice, Ogden, Heavey, Bray, Sheldon, Rasmussen, Winsley, Morton, Nealey, Silver, R. Johnson, Brough, Hochstatter, Vance, Moyer, Mielke, Paris, Lisk, Prince, Wynne, Wood, D. Sommers, P. Johnson, Chandler, Brumsickle, Neher, Forner, Schmidt, Casada, Wilson, Beck, R. Fisher, Peery, Jones and Scott.

WHEREAS, Since 1891, outstanding young people from across the state of Washington have been pages in the House of Representatives; and

WHEREAS, Pages provide an invaluable service to the House of Representatives by performing such helpful tasks as delivering messages, bills, amendments, and supplies, presenting the flags at the beginning of each session, addressing envelopes, answering telephone calls, and taking messages; and

WHEREAS, All of the pages carry out their duties in a professional, courteous, and cheerful manner, helping make the legislative buildings more efficient and pleasant workplaces; and

WHEREAS, Pages have the opportunity to meet and serve elected officials, and personally observe the legislative process; and

WHEREAS, Legislative page school is an integral part of every page's experience, combining daily study of Washington state government with presentations prepared by each page; and

WHEREAS, Pages share their experiences with other students, teachers, and members of the community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor all pages, past and present, on the occasion of the one-hundredth anniversary of the page program in the House of Representatives.

Ms. Brekke moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4701 was adopted.

MESSAGES FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate has relieved the Conference Committee of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096, reconsidered the vote by which the Senate did not concur in the House amendment(s), and concurred in said House amendments, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has concurred in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5110, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate concurred in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5411, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5555, and passed the bill as recommended by the Conference Committee.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025,
 SENATE BILL NO. 5049,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096,
 SUBSTITUTE SENATE BILL NO. 5110,
 SECOND SUBSTITUTE SENATE BILL NO. 5167,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5184,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5411;
 SUBSTITUTE SENATE BILL NO. 5418,
 SENATE BILL NO. 5474,
 SENATE BILL NO. 5475,
 SENATE BILL NO. 5477,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5555,
 SUBSTITUTE SENATE BILL NO. 5612,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,
 SUBSTITUTE SENATE BILL NO. 5670,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1028,
 SUBSTITUTE HOUSE BILL NO. 1194,
 SUBSTITUTE HOUSE BILL NO. 1326,
 SUBSTITUTE HOUSE BILL NO. 1401,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440,
 SUBSTITUTE HOUSE BILL NO. 1452,
 SUBSTITUTE HOUSE BILL NO. 1454,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677,
 SUBSTITUTE HOUSE BILL NO. 1704,
 SUBSTITUTE HOUSE BILL NO. 1712,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938,
 HOUSE BILL NO. 2037,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071,
 ENGROSSED HOUSE BILL NO. 2093,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1201,
 SUBSTITUTE HOUSE BILL NO. 1268,
 HOUSE BILL NO. 1299,
 SUBSTITUTE HOUSE BILL NO. 1301,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341,
 ENGROSSED HOUSE BILL NO. 1352,
 HOUSE BILL NO. 1400,
 SUBSTITUTE HOUSE BILL NO. 1885,
 SUBSTITUTE HOUSE BILL NO. 1956,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026,
 HOUSE CONCURRENT RESOLUTION NO. 4418,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5025,
 SENATE BILL NO. 5049,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5096,
 SUBSTITUTE SENATE BILL NO. 5110,
 SECOND SUBSTITUTE SENATE BILL NO. 5167,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5184,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5411,
 SUBSTITUTE SENATE BILL NO. 5418,
 SENATE BILL NO. 5474,
 SENATE BILL NO. 5475,
 SENATE BILL NO. 5477,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5555,

SUBSTITUTE SENATE BILL NO. 5612,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5629,
 SUBSTITUTE SENATE BILL NO. 5670.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1201,
 SUBSTITUTE HOUSE BILL NO. 1268,
 HOUSE BILL NO. 1299,
 SUBSTITUTE HOUSE BILL NO. 1301,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341,
 ENGROSSED HOUSE BILL NO. 1352,
 HOUSE BILL NO. 1400,
 SUBSTITUTE HOUSE BILL NO. 1885,
 SUBSTITUTE HOUSE BILL NO. 1956,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2026,
 HOUSE CONCURRENT RESOLUTION NO. 4418,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker called on Representative O'Brien to preside.

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

INTRODUCTIONS AND FIRST READING

HCR 4419 by Representatives Ebersole and Ballard

Returning measures to their house of origin.

HCR 4420 by Representatives Ebersole and Ballard

Adjourning Sine Die.

MOTIONS

On motion of Mr. Wineberry, the rules were suspended and House Concurrent Resolution No. 4419 was advanced to second reading and read the second time in full.

On motion of Mr. Wineberry, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

House Concurrent Resolution No. 4419 was adopted.

MOTIONS

On motion of Mr. Wineberry, the rules were suspended and House Concurrent Resolution No. 4420 was advanced to second reading and read the second time in full.

On motion of Mr. Wineberry, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

House Concurrent Resolution No. 4420 was adopted.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4694, by Representatives Ebersole and Ballard.

WHEREAS, The 1991 Regular Session of the Fifty-second Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the continuation of the work of the House after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That the Executive Rules Committee is created, which shall consist of the Speaker and four additional members who shall be appointed by the Speaker from the Rules Committee. The Chief Clerk of the House shall be the nonvoting secretary of the committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters and bills, memorials, and resolutions to authorized committees for study during the interim, and the Speaker may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House in an orderly manner and appoint members to them with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That during the interim the Executive Rules Committee shall authorize schedules and locations for meetings of any authorized committee or subcommittee, and such committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the Fifty-second Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall see that the House Chamber, adjoining rooms, members' offices, furniture, and equipment are clean and in good order, and make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk may approve vouchers of the members of the House, covering expenses incurred during the interim for official business of the Legislature or in preparation for the sessions of the Legislature and organizational duties in connection therewith, at the per diem rate provided by RCW 44.04.120, for each day or major portion thereof, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall, during the interim, and as authorized by the Speaker and the Employment Committee, retain or hire any necessary employees, order necessary supplies, equipment, and printing to enable the House to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk shall make out the necessary vouchers upon which warrants are drawn for the final payment of all expenses in connection with the closing business and for any other business of the House of Representatives; and

BE IT FURTHER RESOLVED, That the State Treasurer shall draw warrants for the payment of salaries, per diem, in-lieu payments, and reimbursements of and to the members of the House of Representatives, the elected officers of the House of Representatives, and the employees each month upon vouchers approved by the Speaker and the Chief Clerk of the House of Representatives, and shall also deliver the warrants to the Chief Clerk of the House of Representatives for delivery or mailing to those entitled thereto; and

BE IT FURTHER RESOLVED, That the Speaker and the Chief Clerk may authorize the attendance of members and staff members at such courses or meetings as may be deemed pertinent and may authorize the expenditure of registration or tuition fees and reimbursement for subsistence and travel for that purpose; and

BE IT FURTHER RESOLVED, That members of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 44.04.120, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursements shall be paid on their vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That employees of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 43.03.050, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursement shall be paid on their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That during the interim periods the use of the House Chamber, any of its committee rooms, members' offices, or any of the furniture or furnishings therein, shall not be granted to anyone without the permission of the Speaker and the Chief Clerk of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk may express the sympathy of the House by sending flowers when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the Fifty-second Legislative Assembly.

On motion of Mr. Wineberry, House Resolution No. 91-4694 was adopted.

MESSAGE FROM THE SENATE

April 28, 1991

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4419,

HOUSE CONCURRENT RESOLUTION NO. 4420,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:

HOUSE CONCURRENT RESOLUTION NO. 4419,

HOUSE CONCURRENT RESOLUTION NO. 4420.

MESSAGES FROM THE SENATE

April 28, 1991

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4419,

HOUSE CONCURRENT RESOLUTION NO. 4420,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

April 28, 1991

Mr. Speaker:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4419, the Senate returns herewith the following House Bills:

SUBSTITUTE HOUSE BILL NO. 1001,

SUBSTITUTE HOUSE BILL NO. 1003,

HOUSE BILL NO. 1009,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012,

SUBSTITUTE HOUSE BILL NO. 1015,

SUBSTITUTE HOUSE BILL NO. 1016,

HOUSE BILL NO. 1017,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1022,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1025,
HOUSE BILL NO. 1030,
ENGROSSED HOUSE BILL NO. 1033,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1034,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1036,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037,
HOUSE BILL NO. 1038,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1039,
ENGROSSED HOUSE BILL NO. 1041,
HOUSE BILL NO. 1049,
HOUSE BILL NO. 1053,
SUBSTITUTE HOUSE BILL NO. 1061,
SUBSTITUTE HOUSE BILL NO. 1064,
HOUSE BILL NO. 1073,
ENGROSSED HOUSE BILL NO. 1083,
HOUSE BILL NO. 1084,
HOUSE BILL NO. 1087,
HOUSE BILL NO. 1089,
HOUSE BILL NO. 1095,
HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1109,
SUBSTITUTE HOUSE BILL NO. 1111,
HOUSE BILL NO. 1116,
ENGROSSED HOUSE BILL NO. 1122,
HOUSE BILL NO. 1126,
ENGROSSED HOUSE BILL NO. 1128,
ENGROSSED HOUSE BILL NO. 1131,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1133,
ENGROSSED HOUSE BILL NO. 1144,
SUBSTITUTE HOUSE BILL NO. 1145,
ENGROSSED HOUSE BILL NO. 1147,
ENGROSSED HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1153,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1158,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1174,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1180,
HOUSE BILL NO. 1182,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1198,
SUBSTITUTE HOUSE BILL NO. 1199,

SUBSTITUTE HOUSE BILL NO. 1202,
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SUBSTITUTE HOUSE BILL NO. 1205,
SUBSTITUTE HOUSE BILL NO. 1207,
SUBSTITUTE HOUSE BILL NO. 1209,
HOUSE BILL NO. 1217,
HOUSE BILL NO. 1221,
ENGROSSED HOUSE BILL NO. 1225,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231,
SUBSTITUTE HOUSE BILL NO. 1234,
SUBSTITUTE HOUSE BILL NO. 1237,
SUBSTITUTE HOUSE BILL NO. 1241,
ENGROSSED HOUSE BILL NO. 1246,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1250,
SUBSTITUTE HOUSE BILL NO. 1255,
SUBSTITUTE HOUSE BILL NO. 1258,
HOUSE BILL NO. 1272,
HOUSE BILL NO. 1273,
SUBSTITUTE HOUSE BILL NO. 1275,
HOUSE BILL NO. 1279,
HOUSE BILL NO. 1280,
ENGROSSED HOUSE BILL NO. 1281,
ENGROSSED HOUSE BILL NO. 1285,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293,
SUBSTITUTE HOUSE BILL NO. 1294,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296,
HOUSE BILL NO. 1297,
HOUSE BILL NO. 1298,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1300,
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HOUSE BILL NO. 1310,
SUBSTITUTE HOUSE BILL NO. 1313,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1314,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1315,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1320,
SUBSTITUTE HOUSE BILL NO. 1324,
HOUSE BILL NO. 1325,
ENGROSSED HOUSE BILL NO. 1327,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335,
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ENGROSSED HOUSE BILL NO. 1348,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1459,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,
SUBSTITUTE HOUSE BILL NO. 1463,
SUBSTITUTE HOUSE BILL NO. 1464,
SUBSTITUTE HOUSE BILL NO. 1466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1471,
HOUSE BILL NO. 1482,
SUBSTITUTE HOUSE BILL NO. 1486,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1490,
SUBSTITUTE HOUSE BILL NO. 1491,
HOUSE BILL NO. 1494,
SUBSTITUTE HOUSE BILL NO. 1495,
SUBSTITUTE HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1503,
HOUSE BILL NO. 1509,
HOUSE BILL NO. 1514,
ENGROSSED HOUSE BILL NO. 1517,
HOUSE BILL NO. 1519,
HOUSE BILL NO. 1520,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1523,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1535,
SUBSTITUTE HOUSE BILL NO. 1543,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1546,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1552,
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SUBSTITUTE HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1636,
SUBSTITUTE HOUSE BILL NO. 1638,
HOUSE BILL NO. 1646,
ENGROSSED HOUSE BILL NO. 1647,
SUBSTITUTE HOUSE BILL NO. 1651,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1653,
SUBSTITUTE HOUSE BILL NO. 1655,
HOUSE BILL NO. 1664,
ENGROSSED HOUSE BILL NO. 1674,
SUBSTITUTE HOUSE BILL NO. 1676,
SUBSTITUTE HOUSE BILL NO. 1681,
SUBSTITUTE HOUSE BILL NO. 1690,
SUBSTITUTE HOUSE BILL NO. 1703,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714,
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SUBSTITUTE HOUSE BILL NO. 1752,
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HOUSE BILL NO. 1774,
SUBSTITUTE HOUSE BILL NO. 1776,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1836,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1841,
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SUBSTITUTE HOUSE BILL NO. 1850,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856,
SUBSTITUTE HOUSE BILL NO. 1857,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1865,
ENGROSSED HOUSE BILL NO. 1868,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870,
HOUSE BILL NO. 1875,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1880,
HOUSE BILL NO. 1887,
HOUSE BILL NO. 1889,
HOUSE BILL NO. 1891,
SUBSTITUTE HOUSE BILL NO. 1900,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1901,
SUBSTITUTE HOUSE BILL NO. 1903,
SUBSTITUTE HOUSE BILL NO. 1907,
SUBSTITUTE HOUSE BILL NO. 1909,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1913,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1924,
SUBSTITUTE HOUSE BILL NO. 1927,
ENGROSSED HOUSE BILL NO. 1928,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1932,
SUBSTITUTE HOUSE BILL NO. 1934,
HOUSE BILL NO. 1939,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1940,
HOUSE BILL NO. 1941,
SUBSTITUTE HOUSE BILL NO. 1947,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952,
SUBSTITUTE HOUSE BILL NO. 1959,
ENGROSSED HOUSE BILL NO. 1961,
HOUSE BILL NO. 1977,
HOUSE BILL NO. 1985,
HOUSE BILL NO. 2008,
SUBSTITUTE HOUSE BILL NO. 2028,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2030,

SUBSTITUTE SENATE BILL NO. 5069,
SUBSTITUTE SENATE BILL NO. 5070,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5086,
SUBSTITUTE SENATE BILL NO. 5092,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5097,
SUBSTITUTE SENATE BILL NO. 5098,
SENATE BILL NO. 5109,
SUBSTITUTE SENATE BILL NO. 5116,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5121,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5126,
SUBSTITUTE SENATE BILL NO. 5130,
SENATE BILL NO. 5135,
SENATE BILL NO. 5139,
ENGROSSED SENATE BILL NO. 5140,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,
SENATE BILL NO. 5150,
SENATE BILL NO. 5151,
SUBSTITUTE SENATE BILL NO. 5158,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5174,
SUBSTITUTE SENATE BILL NO. 5180,
SECOND SUBSTITUTE SENATE BILL NO. 5181,
SUBSTITUTE SENATE BILL NO. 5185,
SUBSTITUTE SENATE BILL NO. 5188,
SUBSTITUTE SENATE BILL NO. 5193,
SENATE BILL NO. 5195,
SUBSTITUTE SENATE BILL NO. 5199,
SUBSTITUTE SENATE BILL NO. 5202,
SUBSTITUTE SENATE BILL NO. 5203,
SENATE BILL NO. 5209,
SENATE BILL NO. 5213,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5225,
SUBSTITUTE SENATE BILL NO. 5237,
SENATE BILL NO. 5241,
SENATE BILL NO. 5243,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,
SENATE BILL NO. 5275,
SENATE BILL NO. 5277,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278,
SUBSTITUTE SENATE BILL NO. 5299,
SUBSTITUTE SENATE BILL NO. 5300,
SENATE BILL NO. 5302,
SUBSTITUTE SENATE BILL NO. 5303,
SUBSTITUTE SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5309,
SENATE BILL NO. 5310,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SENATE BILL NO. 5320,

SUBSTITUTE SENATE BILL NO. 5329,
 SUBSTITUTE SENATE BILL NO. 5342,
 SUBSTITUTE SENATE BILL NO. 5343,
 SENATE BILL NO. 5345,
 SENATE BILL NO. 5351,
 SUBSTITUTE SENATE BILL NO. 5346,
 SECOND SUBSTITUTE SENATE BILL NO. 5347,
 SUBSTITUTE SENATE BILL NO. 5350,
 ENGROSSED SENATE BILL NO. 5364,
 SENATE BILL NO. 5371,
 SENATE BILL NO. 5375,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5380,
 SENATE BILL NO. 5389,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
 ENGROSSED SENATE BILL NO. 5424,
 ENGROSSED SENATE BILL NO. 5432,
 SUBSTITUTE SENATE BILL NO. 5435,
 SUBSTITUTE SENATE BILL NO. 5438,
 SENATE BILL NO. 5444,
 SUBSTITUTE SENATE BILL NO. 5445,
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 SUBSTITUTE SENATE BILL NO. 5458,
 SUBSTITUTE SENATE BILL NO. 5465,
 SUBSTITUTE SENATE BILL NO. 5480,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5481,
 SENATE BILL NO. 5510,
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 ENGROSSED SUBSTITUTE SENATE BILL NO. 5526,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5534,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5540,
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 ENGROSSED SUBSTITUTE SENATE BILL NO. 5552,
 SUBSTITUTE SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5559,
 SENATE BILL NO. 5560,
 SENATE BILL NO. 5562,
 SENATE BILL NO. 5564,
 ENGROSSED SENATE BILL NO. 5566,
 SUBSTITUTE SENATE BILL NO. 5576,
 SUBSTITUTE SENATE BILL NO. 5580,
 SUBSTITUTE SENATE BILL NO. 5581,
 SENATE BILL NO. 5584,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5590,
 SENATE BILL NO. 5619,
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SUBSTITUTE SENATE BILL NO. 5639,
 ENGROSSED SENATE BILL NO. 5640,
 SUBSTITUTE SENATE BILL NO. 5644,
 SUBSTITUTE SENATE BILL NO. 5650,
 SUBSTITUTE SENATE BILL NO. 5653,
 SENATE BILL NO. 5661,
 SUBSTITUTE SENATE BILL NO. 5665,
 SUBSTITUTE SENATE BILL NO. 5666,
 SENATE BILL NO. 5675,
 SUBSTITUTE SENATE BILL NO. 5702,
 ENGROSSED SENATE BILL NO. 5704,
 SUBSTITUTE SENATE BILL NO. 5716,
 SENATE BILL NO. 5718,
 SUBSTITUTE SENATE BILL NO. 5721,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5724,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5727,
 SENATE BILL NO. 5731,
 SENATE BILL NO. 5746,
 SUBSTITUTE SENATE BILL NO. 5748,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5753,
 SUBSTITUTE SENATE BILL NO. 5759,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5765,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5768,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5782,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5790,
 ENGROSSED SENATE BILL NO. 5797,
 SUBSTITUTE SENATE BILL NO. 5807,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5810,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5812,
 SENATE BILL NO. 5816,
 SUBSTITUTE SENATE BILL NO. 5818,
 SUBSTITUTE SENATE BILL NO. 5820,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5841,
 SENATE BILL NO. 5845,
 SENATE BILL NO. 5848,
 SUBSTITUTE SENATE BILL NO. 5852,
 SUBSTITUTE SENATE BILL NO. 5858,
 SENATE BILL NO. 5860,
 SENATE BILL NO. 5863,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5864,
 SENATE BILL NO. 5875,
 SUBSTITUTE SENATE BILL NO. 5876,
 SENATE BILL NO. 5878,
 SUBSTITUTE SENATE BILL NO. 5891,
 SENATE BILL NO. 5904,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5919,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5925,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5929,
ENGROSSED SENATE BILL NO. 5940,
SENATE BILL NO. 5959,
SENATE JOINT MEMORIAL NO. 8002,
SENATE JOINT MEMORIAL NO. 8004,
SENATE JOINT MEMORIAL NO. 8008,
SENATE JOINT MEMORIAL NO. 8020,
SUBSTITUTE SENATE JOINT RESOLUTION NO. 8208,
SENATE JOINT RESOLUTION NO. 8217,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8400,
SENATE CONCURRENT RESOLUTION NO. 8414.

MOTION

On motion of Mr. Wineberry, reading of the Journal of the One Hundred-Fifth Day of the 1991 Regular Session of the Fifty-Second Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Wineberry, the 1991 Regular Session of the Fifty-Second Legislature was adjourned Sine Die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, June 10, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tanu Frank and Anuhea Martin. Prayer was offered by Father Gary Zender, Minister of St. Michael's Parish of Olympia:

Holy God, as we begin this Special Session we acknowledge our total dependence on You. The fact that we are here reminds us of our weakness and our struggle to meet the needs of our children and of this world. We pray that Your spirit of unity may be in this session to guide these leaders who are dedicated to serving the needs of all our people. May the needs of the poor be served, so that their minds may be opened to education. May education be a priority for us all, so that poverty and its suffering may be eliminated.

We praise You for Your presence, O Holy God. Amen.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

I have attached a full, true and correct copy of Proclamation No. 91-01 by the Governor calling a special session of the Washington State Legislature to be convened at 10:00 a.m. on June 10, 1991.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this 10th day of June 1991.

(Seal)

RALPH MUNRO, Secretary of State.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) the Legislature adjourned the 1991 Regular Session on April 28, 1991, without finishing its essential tasks; and

WHEREAS, it is therefore necessary for me to convene a Special Session for the purpose of adequately addressing those essential tasks not completed;

NOW, THEREFORE, I, Booth Gardner, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the state of Washington on Monday, the tenth day of June, 1991, at 10:00 a.m.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 4th day of June, A.D., nineteen hundred and ninety-one.

(Seal)

BOOTH GARDNER, Governor.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

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

Substitute House Bill No. 1525

Substitute House Bill No. 1821

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this 10th day of June 1991.

(Seal)

RALPH MUNRO, Secretary of State.

MESSAGES FROM THE GOVERNOR

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1525 entitled:

"AN ACT Relating to government travel and subsistence rates for educational employees."

This bill allows local school districts and educational service districts to process travel payments through the Superintendent of Public Instruction for district travel costs in an attempt to share in the benefit of state negotiated travel rates. Districts would reimburse the Superintendent of Public Instruction for payments to the local district employees. The bill also requires the Department of General Administration to take all reasonable and necessary action to include educational service districts and school districts as direct beneficiaries in any future preferred travel, lodging or subsistence rates contract.

The Department of General Administration has tried to include political subdivisions in airfare contracts and the providers have not been amendable to including them. The current state contract specifically excludes political subdivisions. The Department of General Administration will work with cities, counties and school associations to assist them in developing a mechanism for negotiating as a unit with airfare providers for reduced rates. The mechanism presented in this bill, however, could violate the existing state contract. Since the bill cannot be implemented, it provides false hope for any savings.

For these reasons, I have vetoed Substitute House Bill No. 1525.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval Substitute House Bill No. 1821 entitled:

"AN ACT Relating to the fraudulent installation of fire protection sprinkler systems."

This act amends the criminal code, making it a gross misdemeanor for anyone to install, construct, or maintain a fire protection sprinkler system without first obtaining from the State of Washington, a fire sprinkler contractor's license.

In requiring a license for all personnel who work on sprinkler systems, in-house maintenance employees would be prohibited from performing responsibilities currently required by their employer. The drafters of this legislation note that they did not intend to eliminate the exemption for in-house employees which was enacted just last year.

The inadvertent impact of subsection two of this act requires a veto of the entire section, and thus the entire bill. However, because the stated goal of this legislation is laudable, I am directing the Department of Community Development to work with the proponents of this bill to prepare agency request legislation which will accomplish the stated goal without the unintended consequence of this act.

For the reason stated, I have vetoed Substitute House Bill No. 1821 in its entirety.

Respectfully submitted,
Booth Gardner, Governor.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

We respectfully transmit for your consideration the following bills which have been partially vetoed by the Governor, together with the official veto

messages of the Governor setting forth his objections to the sections or items of each of the bills as required by Article III, section 12, of the Washington State constitution:

Section 12, Substitute House Bill No. 1052, the remainder of which has been designated Chapter 126, Laws of 1991;

Section 12, Substitute House Bill No. 1051, the remainder of which has been designated Chapter 128, Laws of 1991;

Section 3, Engrossed House Bill No. 1883, the remainder of which has been designated Chapter 145, Laws of 1991;

Sections 204 and 507, Engrossed Substitute House Bill No. 1028, the remainder of which has been designated Chapter 199, Laws of 1991;

Sections 306, 1005, and 1117, Engrossed Substitute House Bill No. 1027, the remainder of which has been designated Chapter 200, Laws of 1991;

Sections 21 and 23, Second Substitute House Bill No. 1671, the remainder of which has been designated Chapter 202, Laws of 1991;

Section 2, Substitute House Bill No. 1243, the remainder of which has been designated Chapter 259, Laws of 1991;

Section 52, Engrossed Substitute House Bill No. 1389, the remainder of which has been designated Chapter 302, Laws of 1991;

Section 3, Substitute House Bill No. 1137, the remainder of which has been designated Chapter 311, Laws of 1991;

Section 1, Engrossed Substitute House Bill No. 1881, the remainder of which has been designated Chapter 313, Laws of 1991;

Section 1, Substitute House Bill No. 1954, the remainder of which has been designated Chapter 317, Laws of 1991;

Section 23, Engrossed Substitute House Bill No. 1136, the remainder of which has been designated Chapter 324, Laws of 1991;

Sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608, the remainder of which has been designated Chapter 326, Laws of 1991;

Section 35, Engrossed Substitute House Bill No. 1960, the remainder of which has been designated Chapter 332, Laws of 1991;

Sections 17 and 23, Substitute House Bill No. 1704, the remainder of which has been designated Chapter 339, Laws of 1991;

Section 25, Engrossed Substitute House Bill No. 2026, the remainder of which has been designated Chapter 347, Laws of 1991;

Section 3, Substitute House Bill No. 1886, the remainder of which has been designated Chapter 348, Laws of 1991;

Section 1, House Bill No. 1013, the remainder of which has been designated Chapter 360, Laws of 1991;

Section 2, House Bill No. 2082, the remainder of which has been designated Chapter 361, Laws of 1991;

Sections 42, 60, and 156, Substitute House Bill No. 1201, the remainder of which has been designated Chapter 363, Laws of 1991;

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this 10th day of June 1991.

(Seal)

RALPH MUNRO, Secretary of State.

MESSAGES FROM THE GOVERNOR

May 10, 1991

To the Honorable, the House
of Representatives of
the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Substitute House Bill No. 1052 entitled:

"AN ACT Relating to clarification of existing public assistance statutes."

This bill contains important state policy regarding implementation of new federal laws. It was amended by legislative committees after thoughtful review and receipt of public testimony.

The programs referenced are contained in the Essential Requirements Level of my proposed budget, as well as in the proposed budgets of the House and Senate.

I am vetoing section 12, the null and void clause, which would negate this bill if specific funding, referencing this bill by number, is not provided in the final budget. There is no need for a specific reference to this bill by number in the budget.

For this reason, I have vetoed section 12 of Substitute House Bill No. 1052.

With the exception of Section 12, Substitute House Bill No. 1052 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 10, 1991

To the Honorable, the House
of Representatives of
the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 12, Substitute House Bill No. 1051 entitled:

"AN ACT Relating to international student exchange programs."

This bill takes a first step toward regulating organizations involved in international student exchange activities in Washington by requiring that these organizations register with the Office of the Secretary of State. In addition, the Superintendent of Public Instruction is required to notify school districts of the names of international student exchange organizations that have registered with the state. I concur with the need to provide greater accountability by establishing standards and providing public access to certain basic information regarding such organizations.

Section 12 of the bill requires the Secretary of State to establish a task force on international student exchange and requires the task force to examine a list of specific issues related to international student exchange programs. No funding was provided for the task force in either the House or Senate proposed budgets. Both the Secretary of State and the Superintendent of Public Instruction have authority to establish ad-hoc committees to study issues under their respective

jurisdictions. Should the task force actually receive funding in the coming biennium, either official has the capacity to respond by convening a group with the broad membership outlined in this section.

For the reasons stated above, I have vetoed section 12 of Substitute House Bill No. 1051.

With the exception of section 12, Substitute House Bill No. 1051 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 10, 1991

To the Honorable, the House
of Representatives of
the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed House Bill No. 1883 entitled:

"AN ACT Relating to gasohol."

This bill extends the tax exemption for alcohol blended fuels. By so doing, this legislation serves to promote the use of gasohol. Its enactment will reduce dependency on imported oil, strengthen relevant agricultural markets, and reduce air pollution.

Section 3 of this bill, however, is duplicative of language referenced in the Clean Air Bill, Engrossed Substitute House Bill No. 1028, section 231. For this reason, I have vetoed section 3 of Engrossed House Bill No. 1883.

With the exception of section 3, Engrossed House Bill No. 1883 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 204 and 507, Engrossed Substitute House Bill No. 1028 entitled:

"AN ACT Relating to reducing air contaminant emissions and improving air quality."

Section 204 of this bill establishes a task force to recommend a program to assist persons with vehicles failing to comply with emission standards. The task force will be appointed by the Speaker of the House and the President of the Senate; it will consist of members from each House and will report to the appropriate standing committees of the Legislature.

Section 507 establishes a task force to encourage the removal of wood stoves which do not meet current emission standards and replace such stoves with a less polluting, certified wood stove or other source of heat. This task

force will also consist of members from each House and report back to the appropriate committees of the Legislature.

While these studies may provide useful information, the Legislature does not need statutory authorization to study these issues or authorization to report back to itself. For this reason I am vetoing sections 204 and 507 of the bill.

With the exception of sections 204 and 507, Engrossed Substitute House Bill No. 1028 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 306, 1005, and 1117, Engrossed Substitute House Bill No. 1027 entitled:

"AN ACT Relating to oil and hazardous substances."

Existing state law establishes penalties for any person who negligently discharges oil into Washington's waters. Section 306 of this bill qualifies this standard by stating that an employee shall be indemnified by the owner or operator of a facility or covered vessel for any penalty resulting from a negligent discharge of oil by the employee. I am vetoing this section for three reasons. First, this penalty provision has been state law for over 20 years. Current law should not be relaxed if no problems have been identified. Second, there is no valid policy reason to exempt from penalty an employee, including a pilot or ship captain, who negligently discharges oil. Third, this section creates a special class of individuals who get special protection under the law. Others who are not employees of facilities or vessels do not get the same special treatment and are liable for penalties for the negligent discharge of oil. The veto of section 306 restores current law.

Under existing state law, the master of a vessel certifies in writing that the vessel meets certain safety requirements. If the certification is made, the pilot countersigns the certificate. If the certification is not made, the pilot must refuse to take the ship in. Section 1005 changes this requirement. There appears to be no justification for this change. Without sufficient justification, current responsibilities of masters and pilots to ensure vessel safety should be maintained.

Section 1117 states that this bill is null and void unless specific funding is provided in the omnibus appropriations act. This section conflicts with Section 1119 which declares an emergency. There is much work to do to implement this important bill and to protect Washington's marine waters from the threat of oil spills. Agencies need to begin that work now.

With the exception of sections 306, 1005, and 1117, Engrossed Substitute House Bill No. 1027 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 21 and 23, Second Substitute House Bill No. 1671 entitled:

"AN ACT Relating to growth strategies."

This bill establishes two innovative approaches to dealing with some of the problems associated with the rapid growth in this state: highway access control and transportation demand management (TDM).

Motor vehicles generate over 40% of the air pollution in our state. For this reason, I included TDM as one of the key strategies in addressing the major sources of pollution in the clean air bill I submitted to the 1991 Legislature. Reducing the number of vehicles on our roads, particularly single-occupant vehicles, through TDM measures is an effective way to reduce automobile-related air pollution, traffic congestion, and energy use.

Examples of TDM measures include carpools, vanpools, employer-subsidized transit passes, parking fees at market rates, work-at-home options and alternative work schedules. This bill allows public and private employers to choose the options that best suit their particular work situation while working toward reducing the number of their employees who drive alone to work.

TDM generated considerable interest and support among a broad range of interests, including local governments, business and environmental organizations. This bill has the imprint of all these groups.

During the legislative process, the TDM provisions were separated from the clean air bill and incorporated in Second Substitute House Bill No. 1671. Due to an oversight, the appropriate linkages were not made between the two bills to provide funding for the TDM program. I am vetoing sections 21 (codification) and 23 (null and void) to ensure that the revenue raised in Engrossed Substitute House Bill No. 1028, the clean air bill, may be used for the TDM activities prescribed in this bill as intended.

Section 21 codifies the TDM provisions of this bill in Title 81 (Transportation). Funds intended for air pollution control activities, such as TDM, are provided in Engrossed Substitute House Bill No. 1028, section 228. However, section 228 permits expenditures only for the clean air bill, of which TDM was originally a part, and RCW Chapters 70.94 and 70.120.

In vetoing section 21, I am requesting the Code Reviser to place the TDM sections of this bill into RCW Chapter 70.94, Washington Clean Air Act. This would allow TDM activities to be funded from the revenues raised in Engrossed Substitute House Bill No. 1028 for air pollution control. This action is consistent with legislative intent and the purposes for which these revenues were originally intended.

I am vetoing section 23, the null and void clause, in order to protect the significant public policy established by this bill. While the 1991-93 biennium budget has not yet been adopted, funding for TDM activities has been included from the air pollution control account in previous versions of both the House and Senate budgets.

With the exception of sections 21 and 23, Second Substitute House Bill No. 1671 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 17, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute House Bill No. 1243 entitled:

"AN ACT Relating to teacher preparation programs."

This bill seeks to increase collaboration and interaction between teacher preparation programs in institutions of higher education and elementary and secondary schools. I heartily agree with this objective.

Section 2 of the bill, however, requires that governing boards of state universities and colleges with teacher preparation programs adopt salary policies to reward faculty that teach in elementary and secondary schools. While the provision of salary incentives is also a laudable objective, it is not appropriate for state government to dictate particular components of salary policy, nor should a particular method of ensuring increased faculty interaction with public schools be dictated.

For the reasons stated above, I have vetoed section 2 of Substitute House Bill No. 1243.

With the exception of section 2, Substitute House Bill No. 1243 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 20, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Substitute House Bill No. 1389 entitled:

"AN ACT Relating to aquatic plants."

This bill assesses an annual \$3.00 surcharge on boat trailers in order to fund a program to address the serious environmental damage and loss of recreational opportunities caused by freshwater aquatic weeds. These problem weeds are difficult to check because these plants are usually non-native and lack any natural biological controls. Boats and trailers have been identified as a source of the spread of such problem weeds and therefore the funding mechanism contained in this bill is appropriately user-fee based.

While the legislature provided the funding mechanism, it neglected to provide an appropriation for the expenditure of these funds. I believe that establishing and funding of the freshwater aquatic weeds account is an important

first step in addressing the damage caused by these weeds and will work with the legislature to provide the authority necessary to begin program operations. For this reason, I have vetoed section 5, the "null and void" clause, of Engrossed Substitute House Bill No. 1389.

With the exception of section 5, Engrossed Substitute House Bill No. 1389 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 20, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 1137 entitled:

"AN ACT Relating to local government."

Substitute House Bill No. 1137 is intended to clarify the definition of "criminal justice purposes" and to establish a base year against which to judge supplanting prohibitions of Chapter 1, laws of 1990, 2nd Extraordinary Session. That measure provided financial assistance to local governments to address the critical needs of their criminal justice programs.

Apart from the direction that the financial assistance provided be used for criminal justice purposes and that it not replace existing funds, local governments were left with the discretion to use these funds where most needed in their communities. This principle of local determination is an important element in the effective use of these resources.

Section 3 of Substitute House Bill No. 1137 violates this principle by requiring the city of Seattle to enter into an agreement with the office of the administrator for the courts to link to the district and municipal court information system in order to receive funds from the municipal criminal justice assistance account. Although the efficient use of criminal justice information is a laudable goal, I cannot support withholding critically needed funds to effect an administrative agreement between a state agency and local government.

In addition, the Task Force on City and County Finances was given the mandate to examine "statutory or administrative changes that will promote efficiencies in local government, including multijurisdictional coordination of services". The extent to which criminal justice assistance funds should be used to promote specific activities at the local level is appropriately left to the task force to recommend.

By my veto of section 3, I do not intend to nullify the definitions provided for the appropriate uses of local government assistance authorized last year. However, the limitations of gubernatorial veto power to entire sections of legislation require that the whole of section 3 be vetoed. I urge the State Auditor to recognize the Legislature's intentions with respect to these definitions in reviewing the appropriate use of criminal justice funds by local governments.

With the exception of section 3, Substitute House Bill No. 1137 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Substitute House Bill No. 1881 entitled:

"AN ACT Relating to determining the number of district court judges."

This bill authorizes the use of the weighted caseload analysis as the basis for determining the number of full and part-time district court judges.

RCW 3.34.010 is amended in both section 1 of Engrossed Substitute House Bill No. 1881 and section 1 of House Bill No. 1467 which adds additional district court judges. If both of these sections became law, they would be in conflict. This would create confusion in the implementation of the weighted caseload method as well as jeopardizing the new district court judge positions.

I am assured that the enactment of section 1 of Engrossed Substitute House Bill No. 1881 is not necessary in order to facilitate the weighted caseload method. To insure that this new program can be implemented without legal confusion, I have vetoed section 1 of Engrossed Substitute House Bill No. 1881.

With the exception of section 1, Engrossed Substitute House Bill No. 1881 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1954 entitled:

"AN ACT Relating to agricultural nuisances."

This bill expands the list of agricultural activities which are included within the exemption to statutory nuisance provisions. Because of its importance as a message, I am going to sign section 2 of this legislation. I would hope that the agricultural community becomes more involved in advocating for strong growth management regulation. The problems addressed by this legislation could better be addressed by controlling growth and preserving agricultural lands for agricultural purposes. Limiting nuisance litigation does not prevent the intrusion of urban uses into prime agricultural areas. The conflicts will only continue to escalate.

However, I have vetoed section 1 primarily because of the ambiguity that it creates regarding other important regulatory programs. As originally drafted, the bill indicated that reasonable agricultural activities could not be restricted as

to "time of day." As the bill passed, it does not allow restrictions as to "time." This could mean time of day or it could mean a season. Although this section was intended to address local noise ordinances, there are other regulatory programs that occasionally restrict agricultural activities based on seasonal criteria. For example, some activities may be limited during specific months to protect juvenile salmon. To address concerns raised by this ambiguity, I have vetoed section 1.

With the exception of section 1, Substitute House Bill No. 1954 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Engrossed Substitute House Bill No. 1136 entitled:

"AN ACT Relating to cosmetology."

Engrossed Substitute House Bill No. 1136 seeks to address certain inadequacies in current law and thereby protect consumers. Section 23 creates a July 1, 1991 effective date. The concerns addressed by this bill, however, are not so urgent as to warrant this provision. Further, the Department of Licensing has stated it will take between six months and one year to fully implement the bill. For this reason, I have vetoed this section.

With the exception of section 23, Engrossed Substitute House Bill No. 1136 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608 entitled:

"AN ACT Relating to children's services."

Section 1 directs the Department of Social and Health Services (DSHS) to conduct an assessment of the children in its care in order to determine the appropriate level of residential and treatment services required. This study is not made contingent upon funding in the budget. Because of the budgetary constraints agencies face in the next biennium, I cannot accept placing unfunded responsibilities upon them.

Section 15 allows any client of DSHS, individual complainant, or foster parent who exhausts the department's complaint process and who is subjected to any reprisal or retaliatory action to seek judicial review. Individuals who are

treated unfairly by a state agency should be given the opportunity to seek redress. In many cases, statutes allow for appeal of agency actions, and where loss occurs, receipt of recompense. However, where the current authority to seek review is specific, protects appellants, and insulates the state from frivolous legal actions, this section is vague and does not offer sufficient definition to develop a meaningful system of judicial review of agency actions. Further attempts to develop such a system must provide greater specificity.

Section 16 would require DSHS to notify certain foster families in writing of a decision to move a child to another placement five days prior to doing so. Current statutes do not specify the means of notification. In addition, this section removes certain circumstances under which DSHS can waive this notification requirement.

While state agencies and child placing agencies should strive to provide written notification, current workloads for child welfare workers do not always allow for such notice. More importantly, this section constrains the department's ability to move children without five days notice when the child is being returned home or is residing in a group home. Where parents voluntarily place their children in foster care, the department should not be constrained in its ability to return them to their parents when the child's safety is not jeopardized.

For the above reasons, I have vetoed sections 1, 15 and 16 of Engrossed Substitute House Bill No. 1608.

With the exception of sections 1, 15, and 16, Engrossed Substitute House Bill No. 1608 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 35, Engrossed Substitute House Bill No. 1960 entitled:

"AN ACT Relating to health professions regulation."

Subsections (2) through (11) within section 35 of this bill repeal chapter 28B.102 RCW, the Future Teachers Conditional Scholarship Program. I understand this was done in error, and that the sponsor's intent to repeal chapter 28B.104 RCW, the Nurses Conditional Scholarship Program. I cannot veto these subsections without also vetoing the other subsections of this section, and I will not sign legislation which would repeal the Teachers Scholarship Program. While I must veto section 35, I recognize that such action will leave in law conflicting provisions regarding health professional loan repayment programs. Subsequent legislation will be needed to eliminate these conflicts.

With the exception of section 35, Engrossed Substitute House Bill No. 1960 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen: 1

I am returning herewith, without my approval as to sections 17 and 23, Substitute House Bill No. 1704 entitled:

"AN ACT Relating to motor vehicle special fuel taxes."

Section 17 of this bill proposes a new study of the costs and revenues related to vehicle licensing agents and subagents and the benefits provided to the public. A similar study has already been released by the Department of Licensing, entitled Taking The Title and Registration Process To The Customer, dated January, 1991. Additionally, the Legislative Transportation Committee intends to discuss policy questions relevant to this area. Thus, the proposed study under section 17 is redundant.

Section 23 relates to the state's implied consent law. Currently, if a suspected drunk driver is asked to take a blood or breath test and refuses, the person's driving privilege is revoked. This section would rescind that revocation if the basis for the suspicion is a nonalcohol or nondrug-related medical condition and the person is subsequently found not guilty of the offense.

I vetoed a similar provision last session. As I said in my veto message last year, the implied consent law "is the state's most effective tool to combat drunken driving." My belief has not changed. Section 23 erodes the implied consent law and is, therefore, unacceptable. Adequate safeguards exist under current law to protect drivers who experience difficulties because of medical conditions.

For the reasons stated, I have vetoed sections 17 and 23 of Substitute House Bill No. 1704.

With the exception of sections 17 and 23, Substitute House Bill No. 1704 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 25, Engrossed Substitute House Bill No. 2026 entitled:

"AN ACT Relating to water resource management."

Engrossed Substitute House Bill No. 2026 is the product of more than a year of work by many groups and individuals. First, as part of the Environment 2010 project, and secondly, as part of the Chelan Agreement. The bill is heading the state in the right direction regarding water use and conservation. This bill is good public policy because, among other things, it addresses inevitable water problems in advance of a crisis. Without some creative tools, such as the trust provisions contained in this bill, reallocation of waters may occur in the courts

or by federal actions. Hopefully, the tools contained in this bill will help resolve critical water situations by allowing those within the state to direct the future use and management of our precious water resource.

Numerous groups and individuals have invested a great deal of time and energy in developing, drafting, and supporting this legislation. During the legislative process, however, a provision was added which unnecessarily creates new legal issues and institutional barriers to water conservation. The provision I am vetoing needs more public dialogue and debate by the Joint Select Committee on Water Resource Policy.

Section 25 is troubling in that it exempts irrigation districts from one of the basic tenets of water law -- "use it or lose it." Although this amendment would have placed irrigation districts in the same category as municipal water supply purveyors, it does so without sufficient discussion as to its impact on water conservation. Additional concern has been raised that adding irrigation districts to the exemption list will only compound the problem of speculation in water rights.

Irrigation districts have a vast potential for water use efficiency improvements. As technological improvements become available, irrigation will require less water to meet the increased levels of production. By codifying outdated water requirements as a measure of a water right, this section would frustrate our efforts to encourage water conservation and to locate water for presently unmet and future needs. As such, this section deserves a more comprehensive review by the Joint Select Committee on Water Resources Policy.

For the reasons stated above, I have vetoed section 25 of Engrossed Substitute House Bill No. 2026.

With the exception of section 25, Engrossed Substitute House Bill No. 2026 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Substitute House Bill No. 1886 entitled:

"AN ACT Relating to alcohol and drug evaluation and treatment for individuals convicted of vehicular homicide or vehicular assault."

Section 3 of this bill requires that an individual sentenced to the custody of the department of corrections for vehicular homicide or vehicular assault also be sentenced to the community placement program. RCW 9.94A.150 regulates the conversion of earned early release time to community custody for those offenders sentenced to this program. That statute is specific as to the offenses for which an individual can be denied earned early release and placed in community custody.

Substitute House Bill No. 1886 did not amend RCW 9.94A.150 to include vehicular homicide and vehicular assault in the list of eligible offenses. As a

result, the status of offenders who earn early release will be ambiguous at the time they are eligible for release from confinement. Because of this confusion, I am vetoing section 3.

With the exception of section 3, Substitute House Bill No. 1886 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, House Bill No. 1013 entitled:

"AN ACT Relating to cities and towns."

Current law states that where a vote on incorporation is held, if the vote in favor of incorporation is forty percent or less of the total vote, another election on the same issue cannot be held for three years. Section 1 of this bill seeks to change the forty percent requirement to thirty percent and to make this change applicable to elections held before the effective date of this Act.

Making the change retroactive shifts the rules on the electorate after the game. Voters have a right to vote for a governing structure according to laws existing at the time of the election. Retroactively redefining the rules in this manner will only serve to frustrate the electorate and undermine our democratic process. For this reason, I have vetoed section 1.

With the exception of section 1, House Bill No. 1013 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, House Bill No. 2082 entitled:

"AN ACT Relating to district courts."

Section 2 of this bill addresses the question of sick leave benefits for district court judges. There is confusion as to the scope of the benefit being allowed under current law.

Section 2 attempts to clarify sick leave policy for district court judges. I am not convinced, however, that the language used in section 2 achieves that purpose. In fact, I believe that it would add further ambiguity. Because of the financial implications associated with this issue, it is important that any change in the law be set forth with precision.

I suggest that county elected officials work with district court judges to clarify and resolve sick leave issues before additional legislation is proposed.

For the reasons state, I have vetoed section 2.

With the exception of section 2, House Bill No. 2082 is approved.

Respectfully submitted,
Booth Gardner, Governor.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 42, 60, and 156, Substitute House Bill No. 1201 entitled:

"AN ACT Relating to local government."

Section 60 of Substitute House Bill No. 1201 requires all counties that plan and zone to authorize the siting of schools in all areas within their planning jurisdictions by either outright permitted uses or conditional use permits.

The inclusion of this section in the bill is motivated by good intentions -- to remove what some school districts consider as unreasonable county zoning restrictions that apply to school location decisions. School districts are legally obligated to meet the education needs of a growing student population. To meet those needs requires districts to make every effort to acquire land and locate new schools as economically as possible. That is becoming increasingly difficult. Districts are faced with zoning restrictions that are designed to prevent urban sprawl and preserve land for other critical uses. Often these restrictions conflict with the public facility and financial needs and constraints of school districts with growing student populations.

While I agree with and recognize these very legitimate needs and concerns, I am not convinced that the best solution is to exempt the siting of schools from county planning and zoning ordinances with a county's planning jurisdiction, as proposed in section 60.

First, section 60 conflicts with the spirit and intent of the 1990 Growth Management Act. That law gives certain urban counties the primary responsibility of establishing comprehensive plans, which must include regulation of land uses, the siting of public facilities, the location of public utilities, and the designation of rural areas where urban growth should not occur.

Under the Act, counties must also establish urban growth areas within which urban growth will occur and outside of which growth can occur only if it is not urban in nature. Such decisions and plans are to be made with the participation of other affected jurisdictions, including school districts.

To exempt decisions relating to the location of schools, particularly high schools, from such considerations would be to ignore the very real impacts that these large scale public facilities have on overall growth patterns. It would also create a precedent for future exemptions that could further undermine the primary purpose of the Growth Management Act, which I not only strongly support but believe should be strengthened.

Second, section 60 contains ambiguities that could arguably expend its impact beyond what the Legislature may have intended. By simply requiring that "schools" would be a permitted use, the language leaves open the possibility that

educational facilities, other than public schools, could also be afforded the same status. I do not think section 60 was designed to apply to proprietary schools, although that is a possible interpretation of the language.

Section 42 amends RCW 35.82.285 by making technical changes relating to county classes. That amendment would conflict with a substantive amendment to the same RCW section continued in section 3 of Engrossed House Bill No. 1740. It is therefore advisable to veto section 42 so that the substantive amendment can take effect without confusion.

Section 156 amends RCW 81.104.040 by making technical changes relating to county classes. An amendment to the same RCW section continuing identical technical changes also appears in Substitute House Bill No. 2151 (section 4). However, Substitute House Bill No. 2151 contains additional substantive amendatory language that cannot be merged with other language in section 156. It is therefore advisable to veto section 156 to avoid a double amendment and ensure that conflicting language does not appear in the code.

For these reasons, I have vetoed sections 42, 60, and 156 of Substitute House Bill No. 1201.

With the exception of sections 42, 60, and 156, Substitute House Bill No. 1201 is approved.

Respectfully submitted,
Booth Gardner, Governor.

MESSAGES FROM THE GOVERNOR

May 3, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 3, 1991, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 1008: Relating to label information for over-the-counter medications;

HOUSE BILL NO. 1057: Relating to security and protection of the lieutenant governor;

HOUSE BILL NO. 1143: Relating to higher education;

HOUSE BILL NO. 1176: Relating to school districts' boards of directors;

ENGROSSED HOUSE BILL NO. 1177: Relating to school district boards of directors;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2095: Relating to counseling veterans and their dependents.

Sincerely,
Thomas J. Felnagle, Counsel.

May 9, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 9, 1991, Governor Gardner approved the following House Bills entitled:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1031: Relating to water and sewer districts;

SUBSTITUTE HOUSE BILL NO. 1054: Relating to reports of abuse of children or adult dependent or developmentally disabled persons;

SUBSTITUTE HOUSE BILL NO. 1059: Relating to personal property exempt from enforcement of judgments;

HOUSE BILL NO. 1071: Relating to the appointment of precinct election officers;

HOUSE BILL NO. 1072: Relating to elections;

SUBSTITUTE HOUSE BILL NO. 1082: Relating to disclosure of information by the health care authority and state employees benefit board;

SUBSTITUTE HOUSE BILL NO. 1112: Relating to environmental interpretation in Washington's state parks;

ENGROSSED HOUSE BILL NO. 1118: Relating to maximum lengths of vehicles;

HOUSE BILL NO. 1125: Relating to the billing period for vendors;

HOUSE BILL NO. 1206: Relating to industrial insurance payments;

HOUSE BILL NO. 1224: Relating to school district indebtedness;

ENGROSSED HOUSE BILL NO. 1228: Relating to the management of state government receivables;

HOUSE BILL NO. 1263: Relating to citizenship requirements for teachers;

HOUSE BILL NO. 1264: Relating to education;

ENGROSSED HOUSE BILL NO. 1277: Relating to the geothermal account;

HOUSE BILL NO. 1339: Relating to unemployment compensation;

ENGROSSED HOUSE BILL NO. 1352: Relating to confidential information acquired by the department of labor and industries through research, experiments, demonstrations and employer-requested services;

HOUSE BILL NO. 1355: Relating to civil penalties for industrial safety and health violations;

SUBSTITUTE HOUSE BILL NO. 1358: Relating to school and educational service districts' employee attendance incentive programs;

HOUSE BILL NO. 1371: Relating to probationer assessments;

HOUSE BILL NO. 1372: Relating to interstate parole and probation hearing procedures;

HOUSE BILL NO. 1377: Relating to the screening program for scoliosis;

HOUSE BILL NO. 1431: Relating to the Model Traffic Ordinance;

SUBSTITUTE HOUSE BILL NO. 1454: Relating to underground storage tank law preemption;

HOUSE BILL NO. 1458: Relating to limousine charter party carriers;

HOUSE BILL NO. 1470: Relating to appropriations for projects recommended by the public works board;

HOUSE BILL NO. 1536: Relating to hospice benefits;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571: Relating to recounting votes;

HOUSE BILL NO. 1581: Relating to placing the burden of proof on utilities to show that certain operations are not subject to regulation;

ENGROSSED HOUSE BILL NO. 1723: Relating to the Washington fund for excellence in higher education program;

HOUSE BILL NO. 1910: Relating to making medicare supplemental insurance conform to federal laws;

HOUSE BILL NO. 1946: Relating to the Erwin O. Reiger Memorial Highway;

SUBSTITUTE HOUSE BILL NO. 1958: Relating to livestock;

SUBSTITUTE HOUSE BILL NO. 2056: Relating to vital statistics;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2137: Relating to excise tax on carbonated beverages and syrups.

Sincerely,
Thomas J. Felnagle, Counsel.

May 10, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 10, 1991, Governor Gardner approved the following House Bills entitled:

SUBSTITUTE HOUSE BILL NO. 1019: Relating to aquifer protection areas;

HOUSE BILL NO. 1040: Relating to administration costs for municipal utilities;

SUBSTITUTE HOUSE BILL NO. 1050: Relating to emergency medical services districts excess levies;

HOUSE BILL NO. 1091: Relating to uniform foreign-money claims;

ENGROSSED HOUSE BILL NO. 1096: Relating to smoke detection devices;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1105: Relating to exempting property from execution;

ENGROSSED HOUSE BILL NO. 1139: Relating to continuing education credit requirements;

SUBSTITUTE HOUSE BILL NO. 1196: Relating to the Washington state center for environmental and molecular sciences;

SUBSTITUTE HOUSE BILL NO. 1208: Relating to authorizing a compact with adjacent states concerning jurisdiction over inmates while outside the state of conviction;

SUBSTITUTE HOUSE BILL NO. 1265: Relating to dedications;

SUBSTITUTE HOUSE BILL NO. 1274: Relating to street utilities;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1287: Relating to adoption;

HOUSE BILL NO. 1312: Relating to special reports for campaign contributions;

SUBSTITUTE HOUSE BILL NO. 1401: Relating to taxpayer rights and responsibilities;

SUBSTITUTE HOUSE BILL NO. 1586: Relating to continuing care retirement communities;

SUBSTITUTE HOUSE BILL NO. 1721: Relating to refunding contributions to the judicial retirement system;

SUBSTITUTE HOUSE BILL NO. 1771: Relating to transportation facilities of first class cities;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1777: Relating to expedited prison construction;

SUBSTITUTE HOUSE BILL NO. 1852: Relating to establishing and providing partial funding for the fire services trust fund;

SUBSTITUTE HOUSE BILL NO. 1861: Relating to administrative requirements for osteopathic medicine and surgery;

HOUSE BILL NO. 1878: Relating to motor vehicle dealer license plates;

SUBSTITUTE HOUSE BILL NO. 1931: Relating to limits on raffles conducted by nonprofit organizations;

HOUSE BILL NO. 1955: Relating to the uniform Washington food, drug, and cosmetic act;

SUBSTITUTE HOUSE BILL NO. 1957: Relating to food processing;

HOUSE BILL NO. 1991: Relating to vehicle size and weight restrictions;

HOUSE BILL NO. 1995: Relating to license exemptions for certain specialized, nonpowered vehicle equipment;

SUBSTITUTE HOUSE BILL NO. 2005: Relating to freight brokers and forwarders;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2027: Relating to higher education;

HOUSE BILL NO. 2059: Relating to low-income residential weatherization and energy assistance;

SUBSTITUTE HOUSE BILL NO. 2069: Relating to employer relief from unemployment compensation insurance charges.

Sincerely,
Thomas J. Felngale, Counsel.

May 15, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 15, 1991, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1032: Relating to death investigations;

SUBSTITUTE HOUSE BILL NO. 1088: Relating to uniform transfers to minors;

SUBSTITUTE HOUSE BILL NO. 1142: Relating to processor and preparer liens;

SUBSTITUTE HOUSE BILL NO. 1336: Relating to prospective residential tenants;

SUBSTITUTE HOUSE BILL NO. 1342: Relating to the local taxation of the sale or distribution of motor vehicle fuels;

ENGROSSED HOUSE BILL NO. 1500: Relating to jail labor;

HOUSE BILL NO. 1527: Relating to mandatory continuing education credit;

HOUSE BILL NO. 1558: Relating to the compensation survey for the state patrol;

SUBSTITUTE HOUSE BILL NO. 1635: Relating to local governmental medical care and services;

HOUSE BILL NO. 1675: Relating to civil docket priority for parties over seventy years of age or who are terminally ill;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727: Relating to interpreters;

SUBSTITUTE HOUSE BILL NO. 1739: Relating to a property tax exemption for nonprofit organizations that house low-income homeless persons;

ENGROSSED HOUSE BILL NO. 1740: Relating to public housing authorities;

HOUSE BILL NO. 1748: Relating to the small business export finance assistance center;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1780: Relating to work crews for offenders;

SUBSTITUTE HOUSE BILL NO. 1830: Relating to admissibility of children's statements;

SUBSTITUTE HOUSE BILL NO. 1858: Relating to employee check, draft, or warrant cashing by cities and towns;

SUBSTITUTE HOUSE BILL NO. 1911: Relating to local government regulation of state licensed massage practitioners.

Sincerely,
Thomas J. Felnagle, Counsel.

May 16, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 16, 1991, Governor Gardner approved the following House Bills entitled:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1081: Relating to bicycle safety;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1172: Relating to student pedestrian safety;

HOUSE BILL NO. 1299: Relating to increasing the maximum income limits for retired persons; property tax exemptions to twenty-two thousand dollars per year and for retired persons' property tax deferrals to thirty thousand dollars per year;

SUBSTITUTE HOUSE BILL NO. 1301: Relating to improving property tax administrative practices;

SUBSTITUTE HOUSE BILL NO. 1326: Relating to residential landlord drayage and storage costs of tenant property;

HOUSE BILL NO. 1400: Relating to rural health;

SUBSTITUTE HOUSE BILL NO. 1452: Relating to high-speed ground transportation;

ENGROSSED HOUSE BILL NO. 1572: Relating to salmon labeling for human consumption;

HOUSE BILL NO. 1642: Relating to senior citizen property tax relief;

SUBSTITUTE HOUSE BILL NO. 1712: Relating to the registration of athlete agents;

SUBSTITUTE HOUSE BILL NO. 1743: Relating to consumer loans;

HOUSE BILL NO. 1853: Relating to nonprofit corporation fees;

SUBSTITUTE HOUSE BILL NO. 1919: Relating to motor vehicle insurance and safety courses;

SUBSTITUTE HOUSE BILL NO. 1936: Relating to college and university admission standards;

HOUSE BILL NO. 2037: Relating to the regulation of persons who apply ionizing radiation to human beings;

SUBSTITUTE HOUSE BILL NO. 2042: Relating to earnest money agreements;

SUBSTITUTE HOUSE BILL NO. 2048: Relating to license renewal fees;

HOUSE BILL NO. 2057: Relating to public facilities districts;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2058: Relating to application of the statute of limitations to actions based on childhood sexual abuse;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2071: Relating to the medical disciplinary board;

HOUSE BILL NO. 2106: Relating to the donation by the department of general administration of personal property to shelters that serve homeless persons;

ENGROSSED HOUSE BILL NO. 2141: Relating to the state oral history program;

HOUSE BILL NO. 2163: Relating to assault of wildlife agents and other law enforcement officers;

HOUSE BILL NO. 2198: Relating to the joint center for higher education.

Sincerely,

Thomas J. Felnagle, Counsel.

May 17, 1991

To the Honorable, the House
of Representatives of the
State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 17, 1991, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1024: Relating to law enforcement and fire fighters;

HOUSE BILL NO. 1156: Relating to structural pest control inspectors;

SUBSTITUTE HOUSE BILL NO. 1189: Relating to misdemeanors;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214: Relating to state employees;

SUBSTITUTE HOUSE BILL NO. 1316: Relating to county treasurer;

SUBSTITUTE HOUSE BILL NO. 1317: Relating to tax exemptions for oxygen;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329: Relating to special educational services demonstration projects;

SUBSTITUTE HOUSE BILL NO. 1416: Relating to game fish mitigation;

HOUSE BILL NO. 1480: Relating to the maintenance and investment of assets by reciprocal exchanges;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1534: Relating to training for investigating and prosecuting sexual assault cases;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1686: Relating to correctional industries;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1729: Relating to the jury source list;

SUBSTITUTE HOUSE BILL NO. 1885: Relating to teachers recruiting future teachers;

SUBSTITUTE HOUSE BILL NO. 1956: Relating to protection of the plant industry;

SUBSTITUTE HOUSE BILL NO. 1971: Relating to alien insurers.

Sincerely,

Thomas J. Felnagle, Counsel.

May 20, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 20, 1991, Governor Gardner approved the following House Bills entitled:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1120: Relating to horse racing;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1127: Relating to superior courts;

SUBSTITUTE HOUSE BILL NO. 1222: Relating to school district directors' districts;

HOUSE BILL NO. 1262: Relating to weight, height, and length exemptions for two trucks operated by registered two truck operators;

ENGROSSED HOUSE BILL NO. 1428: Relating to the content of budget documents;

SUBSTITUTE HOUSE BILL NO. 1496: Relating to the license fees of real estate brokers, real estate salespersons, and professional engineers;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510: Relating to guardianship;

SUBSTITUTE HOUSE BILL NO. 1649: Relating to municipal water discharge permit fees;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1677: Relating to high capacity transportation funding and planning;

SUBSTITUTE HOUSE BILL NO. 1709: Relating to public water system operating permits;

SUBSTITUTE HOUSE BILL NO. 1710: Relating to water systems operator certification and registration;

HOUSE BILL NO. 1757: Relating to driving under the influence of intoxicating liquor or any drug;

SUBSTITUTE HOUSE BILL NO. 1782: Relating to county court commissioners;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1813: Relating to K-12 educational personnel training and recruitment;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1884: Relating to domestic violence;

HOUSE BILL NO. 1992: Relating to advance right of way acquisition;

SUBSTITUTE HOUSE BILL NO. 1997: Relating to sex offender registration;

HOUSE BILL NO. 2021: Relating to the joint select committee on water resource policy;

SUBSTITUTE HOUSE BILL NO. 2044: Relating to the membership of the transportation improvement board;

SUBSTITUTE HOUSE BILL NO. 2050: Relating to county ferry systems;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2100: Relating to nursing homes for underserved ethnic minorities;

SUBSTITUTE HOUSE BILL NO. 2132: Relating to business and occupation taxation of insurance salespersons;

HOUSE BILL NO. 2142: Relating to notification to public employees of accumulated service credit by the department of retirement systems.

Sincerely,
Thomas J. Feltnagle, Counsel.

May 21, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on May 21, 1991, Governor Gardner approved the following House Bills entitled:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1181: Relating to private detective agencies and private detectives;

SUBSTITUTE HOUSE BILL NO. 1194: Relating to special districts;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211: Relating to the assignment of retirement benefits;

SUBSTITUTE HOUSE BILL NO. 1268: Relating to granting whole and partial retirement service credit;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341: Relating to economic development;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357: Relating to the public disclosure of tax information;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426: Relating to research and extension programs of Washington State University;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1440: Relating to mobile home affairs;

HOUSE BILL NO. 1467: Relating to district judges;

HOUSE BILL NO. 1487: Relating to check cashers and sellers;

HOUSE BILL NO. 1489: Relating to the right of privacy;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624: Relating to the housing trust fund;

SUBSTITUTE HOUSE BILL NO. 1629: Relating to chiropractic;

SUBSTITUTE HOUSE BILL NO. 1828: Relating to the uniform health care information act;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1864: Relating to the removal of sand and gravel;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1877: Relating to natural resources management research;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1938: Relating to state-wide implementation of enhanced 911;

HOUSE BILL NO. 1986: Relating to protection and advocacy of the right of developmentally disabled persons;

SUBSTITUTE HOUSE BILL NO. 1993: Relating to convention facilities;

ENGROSSED HOUSE BILL NO. 2093: Relating to distributing excise taxes on lodgings in counties that have, prior to June 26, 1975, pledged tax revenues or issued bonds for purposes of public stadium, convention, performing arts and/or visual arts center facilities;

SUBSTITUTE HOUSE BILL NO. 2140: Relating to budgeting;

HOUSE BILL NO. 2147: Relating to the lottery;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151: Relating to high capacity transportation systems.

Sincerely,
Thomas J. Felnagle, Counsel.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4703, by Representatives Ebersole and Ballard.

NOW, THEREFORE, BE IT RESOLVED, That a committee of four members be appointed by the Speaker to notify the Senate that the House of Representatives is organized and ready to conduct business for the First Special Session of 1991.

On motion of Mr. Wang, House Resolution No. 91-4703 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Resolution No. 91-4703, the Speaker (Mr. O'Brien presiding) appointed Representatives Basich, Roland, Wood and Vance to notify the Senate that the House was organized and ready to conduct business.

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

INTRODUCTIONS AND FIRST READING

HB 2202 by Representative Appelwick

AN ACT Relating to funding nonemployee-related costs of the superintendent of public instruction; amending RCW 82.08.0293 and 82.12.0293; adding a new section to chapter 82.32 RCW; and making an appropriation.

Referred to Committees on Revenue/Education.

HB 2203 by Representatives Valle, Winsley, Leonard, Hargrove and Riley

AN ACT Relating to transition training programs for inmates at state penal institutions; and adding a new section to chapter 72.02 RCW.

Referred to Committee on Human Services.

HB 2204 by Representatives R. King and Bowman

AN ACT Relating to the tax rate on the sale of spirit coolers; and amending RCW 66.04.010 and 82.08.150.

Referred to Committees on Commerce & Labor/Revenue.

HB 2205 by Representatives Braddock, Anderson, Spanel, Brekke and Jacobsen

AN ACT Relating to health care; adding a new chapter to Title 70 RCW; creating new sections; providing for submission of this act to a vote of the people; and providing an effective date.

Referred to Committee on Health Care.

HB 2206 by Representative H. Sommers

AN ACT Relating to the capital budget; amending 1989 1st ex.s. c 12 s 397 (uncodified); amending 1989 1st ex.s. c 12 s 398 (uncodified); amending 1989 1st ex.s. c 12 s 605 (uncodified); amending 1989 1st ex.s. c 12 s 729 (uncodified); amending 1989 1st ex.s. c 12 s 733 (uncodified); and amending 1989 1st ex.s. c 12 s 739 (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex.s.;

adding a new section to chapter 16, Laws of 1990 1st ex.s.; and declaring an emergency.

HCR 4421 by Representatives Ebersole and Ballard

Notifying the Governor that the Legislature is organized and ready to conduct business for the first special session of 1991.

MOTIONS

On motion of Mr. Wang, the rules were suspended and House Concurrent Resolution No. 4421 was advanced to second reading and read the second time in full.

On motion of Mr. Wang, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

House Concurrent Resolution No. 4421 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Concurrent Resolution No. 4421, the Speaker (Mr. O'Brien presiding) appointed Representatives G. Fisher, Morris and Moyer to notify the Governor that the Legislature was organized and ready to conduct business.

REPORT OF SPECIAL COMMITTEE FROM SENATE

The Sergeant at Arms announced the arrival of a special committee from the Senate and the Speaker (Mr. O'Brien presiding) instructed him to escort the committee to the bar of the House.

The committee, consisting of Senators Roach, Adam Smith and Oke, advised the House that the Senate was organized and ready to conduct business.

The report was received and the special committee was escorted from the House Chamber.

MESSAGES FROM THE SENATE

June 10, 1991

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4421,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 10, 1991

Mr. Speaker:

The Senate has adopted:
SENATE CONCURRENT RESOLUTION NO. 8415,
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

INTRODUCTION AND FIRST READING

SCR 8415 by Senators Hayner and Gaspard

Reintroducing bills from the regular session.

MOTIONS

On motion of Mr. Wang, the rules were suspended and Senate Concurrent Resolution No. 8415 was advanced to second reading and read the second time in full.

On motion of Mr. Wang, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8415 was adopted.

MOTION

On motion of Mr. Wang, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Resolution No. 91-4703, appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready to conduct business.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the terms of House Concurrent Resolution No. 4421, appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready to conduct business.

The report was received and the committee was discharged.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

Mr. Ebersole moved that Committee on Rules be relieved of the following bills and that the bills be placed on tomorrow's third reading calendar: Engrossed Substitute House Bill No. 1023, Engrossed Substitute House Bill No. 1025, Engrossed Substitute House Bill No. 1231, Engrossed Substitute House Bill No. 1330, Engrossed Substitute House Bill No. 1427, Engrossed Substitute House Bill No. 1434, Engrossed House Bill No. 1868 and Engrossed Substitute House Bill No. 1932. The motion was carried.

Mr. Ebersole moved that the rules be suspended and House Bill No. 2206 be placed on tomorrow's second reading calendar. The motion was carried.

SIGNED BY THE SPEAKER

The Speaker (Mr. O'Brien presiding) announced the Speaker had signed:
HOUSE CONCURRENT RESOLUTION NO. 4421.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Tuesday, June 11, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

SECOND DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, June 11, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Day, Dellwo, Fuhrman, Holland, Miller, Nealey, Phillips, Rust, Sprenkle and Wang. On motion of Mr. Vance, Representatives Fuhrman, Holland, Miller and Nealey were excused. On motion of Ms. Cole, Representatives Day, Dellwo, Phillips, Rust and Wang were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kristine Jutte and Erik Schott. Prayer was offered by Representative Clyde Ballard.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

June 11, 1991

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4421,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2207 by Representatives H. Sommers, May and Betrozoff

AN ACT Relating to cost-of-living compensation differentials among school districts and to adjustments to operations and compensation due to work stoppages; amending RCW 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.290, 28A.150.410, 28A.230.090, 28A.410.080, and 28A.510.250; adding a new section to chapter 28A.150 RCW; and creating new sections.

Referred to Committees on Education/Appropriations.

HB 2208 by Representatives Valle, Wang, Nelson, Cole, R. King, Locke, Prentice, Leonard, Hargrove, R. Fisher, Brekke, Anderson and H. Sommers

AN ACT Relating to revenue and taxation; amending RCW 82.03.130, 82.03.140, 82.03.180, and 82.08.020; adding a new title to the Revised Code of Washington, to be numbered Title 82A RCW; creating a new section; prescribing penalties; providing for submission of this act to a vote of the people; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 2209 by Representatives Rayburn, McLean, Kremen, Nealey, Chandler, Grant, Lisk, Edmondson, Neher, Ludwig, Hochstatter, Haugen, Bray, Bowman and Rasmussen

AN ACT Relating to pesticide recordkeeping and posting; amending RCW 17.21.100, 49.70.117, and 49.70.119; adding a new chapter to Title 17 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Rural Development/Commerce & Labor.

HB 2210 by Representatives Rayburn, McLean, Kremen, Nealey, Chandler, Grant, Lisk, Edmondson, Neher and Hochstatter

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

Referred to Committees on Agriculture & Rural Development/Commerce & Labor.

MOTION

On motion of Mr. Dorn, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

The Speaker assumed the Chair.

STATUTORY AND SELECT COMMITTEE ASSIGNMENTS

The Speaker announced the following appointments:

Joint Administrative Rules Committee: Representatives Anderson, Hargrove, Prince, Winsley;

State Council on Aging: Representatives Day, Mitchell;

Municipal Research Council: Representatives Appelwick, Dellwo, Padden;

Horse Racing Commission: Representatives Forner, Leonard;

Judicial Council: Representatives Appelwick, Padden;

Joint Committee on Pension Policy: Representatives Belcher, Hine, McLean, Neher, D. Sommers, H. Sommers, Spanel, Wynne;

Legislative Committee on Economic Development: Representatives Broback, Cantwell, Edmondson, P. Johnson, Rasmussen, Sheldon;

State Historical Society Advisory Committee: Representative Ogden;

Advisory Council on Nuclear Waste Management: Representatives Bray, Cooper, May, Neher;

Gambling Commission: Representatives Ebersole, Schmidt;

Legislative Budget Committee: Representatives Brekke, Chandler, Fuhrman, Holland, Locke, Ogden, Silver, H. Sommers;

Legislative Evaluation and Accountability Program: Representatives Anderson, Bowman, Brough, Wang;

Joint Select Committee on Marine and Ocean Resources: Representatives Jacobsen, R. King.

THIRD READING

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Substitute House Bill No. 1330 and Engrossed Substitute House Bill No. 1427 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, by House Committee on Appropriations (originally sponsored by Representatives Locke, Silver, Spanel, Inslee, Morton and Holland; by request of Governor Gardner)

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

The bill was read the third time and placed on final passage.

Mr. Locke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1330, and the bill passed the House by the following vote: Yeas - 53, Nays - 35, Absent - 1, Excused - 9.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Scott, Sheldon, Sommers, H., Spanel, Valle, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 53.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brough, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Former, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Mitchell, Morton, Moyer, Neher, Padden, Paris, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 35.

Absent: Representative Sprengle - 01.

Excused: Representatives Day, Dellwo, Fuhrman, Holland, Miller, Nealey, Phillips, Rust, Wang - 09.

Engrossed Substitute House Bill No. 1330, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, by House Committee on Capital Facilities & Financing (originally sponsored by Representatives H. Sommers and Schmidt; by request of Governor Gardner)

Adopting the capital budget.

The bill was read the third time and placed on final passage.

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1427, and the bill passed the House by the following vote: Yeas - 78, Nays - 9, Absent - 2, Excused - 9.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Braddock, Brough, Edmondson, Hochstatter, Lisk, McLean, Morton, Padden, Van Luven - 09.

Absent: Representatives Mitchell, Sprengle - 02.

Excused: Representatives Day, Dellwo, Fuhrman, Holland, Miller, Nealey, Phillips, Rust, Wang - 09.

Engrossed Substitute House Bill No. 1427, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.
The Speaker called the House to order.

Representatives Holland, Nealey and Wang appeared at the bar of the House.

MOTION

Mr. Dorn moved that the House immediately consider the following bills on the third reading calendar in the following order: Engrossed Substitute House Bill No. 1023, Engrossed Substitute House Bill No. 1932 and Engrossed Substitute House Bill No. 1434. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023, by House Committee on Education (originally sponsored by Representatives Peery, Brough, G. Fisher, Heavey, Basich, Wineberry, H. Myers, Phillips, R. Johnson, Sprenkle, Spanel, Sheldon, Wood, Ogden, Rayburn, Jones, Prentice, Kremen, Leonard, Inslee, Bray, Dorn, Cantwell, Jacobsen, Valle, Roland, Hine, Winsley, Rasmussen and Brekke; by request of Governor Gardner)

Enhancing student performance.

The bill was read the third time and placed on final passage.

Representatives Peery and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1023, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representative Sprenkle - 01.

Excused: Representatives Day, Dellwo, Fuhrman, Miller, Phillips, Rust - 06.

Engrossed Substitute House Bill No. 1023, having received the constitutional majority, was declared passed.

With consent of the House, Representative Sprenkle was excused.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1932, by House Committee on Education (originally sponsored by Representatives Locke, Appelwick, H. Sommers, Wineberry, Anderson, Ferguson, Brough, May, Paris, Mitchell, Phillips, O'Brien, Nelson, Forner and Jacobsen)

Raising school levy limits.

The bill was read the third time and placed on final passage.

Mr. Locke spoke in favor of passage of the bill, and Mr. Betrozoff spoke against it. Mr. Locke again spoke in favor the bill, and Mr. Betrozoff again opposed it. Representatives Paris, Brough and Ebersole spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1932, and the bill passed the House by the following vote: Yeas - 67, Nays - 24, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Haugen, Hochstatter, Lisk, McLean, Mielke, Morton, Moyer, Nealey, Padden, Prince, Silver, Sommers, D., Tate, Wilson, Wynne - 24.

Excused: Representatives Day, Dellwo, Fuhrman, Miller, Phillips, Rust, Sprenkle - 07.

Engrossed Substitute House Bill No. 1932, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434, by House Committee on State Government (originally sponsored by Representatives Hine, Miller, Anderson, McLean, R. King, R. Meyers, Scott, R. Fisher, Cooper, Appelwick, Rasmussen, Dorn, Valle, R. Johnson, Prentice, Cantwell, Cole, Jones, Pruitt, Fraser, Winsley, Sheldon, H. Myers, Riley, Orr, Roland, O'Brien, Ogden, Braddock, Phillips, Nelson, G. Fisher, Wineberry, Haugen, Spanel, Leonard, Sprenkle and Dellwo)

Providing limitations on campaign contributions, voluntary limitations on campaign spending, and partial public financing of campaigns.

The bill was read the third time and placed on final passage.

Representatives Hine, McLean, Ferguson and Anderson spoke in favor of passage of the bill, and Representatives Bowman and Brough spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1434, and the bill passed the House by the following vote: Yeas - 67, Nays - 24, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Brough, Cantwell, Cole, Cooper, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Valle, Vance, Van Luven, Wang, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Haugen, Hochstatter, Lisk, McLean, Mielke, Morton, Moyer, Nealey, Padden, Prince, Silver, Sommers, D., Tate, Wilson, Wynne - 24.

Excused: Representatives Day, Dellwo, Fuhrman, Miller, Phillips, Rust, Sprengle - 07.

Engrossed Substitute House Bill No. 1434, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Wednesday, April 12, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

FIRST SPECIAL SESSION

THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, June 12, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Braddock, Dellwo, Fuhrman, Moyer, Phillips, Rust and Sprengle.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amanda Barrett and Valerie Myers. Prayer was offered by The Reverend Charles Leps, Minister of the Gloria Dei Lutheran Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

June 11, 1991

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8415,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2211 by Representatives Jacobsen, Zellinsky, Beck, Cole, May, Hargrove, Heavey, H. Sommers, R. Fisher and Leonard

AN ACT Relating to education; amending RCW 28A.150.220, 28A.230.090, and 28A.410.080; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.150 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Education.

HB 2212 by Representatives O'Brien, Jacobsen, Locke, Anderson, Wineberry, Jones and Nelson

AN ACT Relating to study of the Holocaust; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2213 by Representatives R. Meyers, Dorn, Jacobsen, Rasmussen and Haugen

AN ACT Relating to additional funding of K through 12 education through state lottery revenues; amending RCW 67.70.040, 67.70.190, and 67.70.240; and creating a new section.

Referred to Committee on Appropriations.

HB 2214 by Representatives Haugen, Prince, Wang and Edmondson; by request of Task Force on City/County Finances

AN ACT Relating to the municipal criminal justice assistance account; amending RCW 82.14.320; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

MOTION

On motion of Mr. Wang, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker assumed the Chair.

MOTION

On motion of Mr. Ebersole, Committee on Appropriations was relieved of House Bill No. 1331 and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4704, by Representatives Fraser and Belcher.

WHEREAS, Dr. John W. Gott will soon retire as Superintendent of Schools for the North Thurston School District; and

WHEREAS, During his forty-five years in education, Dr. Gott has made substantial contributions to the development of quality educational programs for the benefit of all students; and

WHEREAS, The exceptional leadership abilities demonstrated by Dr. Gott have spread far beyond the bounds of the North Thurston School District and are recognized by the educational community throughout the state of Washington; and

WHEREAS, The hallmark of his twenty year tenure as Superintendent of Schools for North Thurston has been the creation of new educational models designed to assure the success of all students; and

WHEREAS, Throughout his outstanding career, Dr. Gott has exemplified a level of thoughtful and caring concern for the needs of students which is a model for others to follow; and

WHEREAS, It is fitting that Dr. Gott be recognized for his contributions to the educational system of the state and nation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the contributions of Dr. John Gott to the North Thurston School District; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Superintendent Gott.

Ms. Fraser moved adoption of the resolution. Representatives Fraser and Belcher spoke in favor of the resolution.

House Resolution No. 91-4704 was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTIONS

On motion of Mr. Vance, Representatives Fuhrman and Moyer were excused. On motion of Ms. Cole, Representatives Braddock, Dellwo, Phillips and Rust were excused.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 8415.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1331, by Representatives Locke, Silver, Spanel, Insee and Morton; by request of Governor Gardner

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1991.

The bill was read the second time.

Mr. Locke moved adoption of the following amendment:
Strike everything after the enacting clause and insert the following:

"PART I

GENERAL GOVERNMENT"

Sec. 101. 1990 1st ex.s. c 16 s 105 (uncodified) is amended to read as follows:
FOR THE REDISTRICTING COMMISSION
General Fund Appropriation \$ ((221,000))
246,000

Sec. 102. 1990 1st ex.s. c 16 s 106 (uncodified) is amended to read as follows:
FOR THE SUPREME COURT
General Fund Appropriation \$ ((13,497,000))
14,097,000

The appropriation in this section is subject to the following conditions and limitations: \$((5,013,000)) 5,613,000 is provided solely for the indigent appeals program.

Sec. 103. 1990 1st ex.s. c 16 s 108 (uncodified) is amended to read as follows:
FOR THE COMMISSION ON JUDICIAL CONDUCT
General Fund Appropriation \$ ((684,000))
754,000

Sec. 104. 1990 1st ex.s. c 16 s 109 (uncodified) is amended to read as follows:
FOR THE ADMINISTRATOR FOR THE COURTS
General Fund Appropriation \$ ((27,607,000))
28,298,000

Public Safety and Education Account
Appropriation \$ 23,200,000
TOTAL APPROPRIATION \$ ((50,807,000))
51,498,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the administrator for the courts, in conjunction with the indigent defense task force, shall review the feasibility of implementing an indigent defense cost recovery program in order to recover state expenses for the indigent appeals program. The administrator for the courts also shall prepare recommendations regarding standards for indigency to be applied uniformly among courts throughout the state. Recommendations regarding a cost recovery program and indigency standards shall be submitted to the house of representatives appropriations and the senate ways and means committees by December 1, 1989.

(2) \$4,712,000 of the general fund appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. In administering TASC program contracts, the administrator for the courts shall monitor program expenditures, conduct program audits, and develop corrective action plans as necessary for contract compliance.

(3) \$16,681,000 of the general fund appropriation is provided solely for the superior court judges program.

(4) \$50,000 of the public safety and education account appropriation is provided solely for the continuation of the indigent defense task force as provided in Substitute Senate Bill No. 5960 (indigent defense services). If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(5) \$200,000 of the public safety and education account appropriation is provided solely for implementing Substitute Senate Bill No. 5474 or Substitute House Bill No. 1119 (court interpreters). If neither bill is enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(6) \$500,000 of the general fund appropriation is provided solely for a foster care review pilot project. In designing the project, the administrator for the courts shall: (a) Establish control groups, one with foster care review and one without, and (b) document the comparative impacts on court costs and foster care length-of-stay.

(7) \$5,758,000 of the public safety and education account appropriation is provided solely to implement the conversion of the district court information system (DISCIS) to a subsystem compatible with the other subsystems within the judicial information system. The amount provided in this subsection is intended to convert twenty-eight existing DISCIS sites and establish eight new sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdiction. The administrator for the courts shall report to the legislature by January 15, 1990, on the reasonableness and feasibility of installing more DISCIS sites during the 1989-91 biennium.

(8) \$3,000,000 of the public safety and education account appropriation shall be held in reserve by the administrator for the courts until July 1, 1990.

(9) The administrator for the courts shall prepare a five-year plan for the judicial information system in conformance with the guidelines of the department of information services. The administrator for the courts shall submit the plan to the house of representatives committee on appropriations and the senate committee on ways and means by January 15, 1990. The five-year plan shall include but not be limited to the following items: Long range goals, objectives, and priorities; estimated equipment and software acquisition costs; an equipment acquisition schedule; estimated operating costs by fiscal year; a cost/benefit analysis of planned system modifications; an analysis of the revenue impact of implementing accounts receivable modules; current and projected debt service costs; descriptions of the services provided to each court jurisdiction; and a plan for requiring local matching funds.

(10) \$175,000 of the public safety and education account appropriation is provided solely for development of trial court demonstration projects. This amount shall be matched by at least an equal amount from federal funds. By January 1, 1991, the office shall report to the house of representatives appropriations committee and the senate ways and means committee on development of these projects.

(11) \$100,000 of the public safety and education account appropriation is provided solely to implement recommendations from the gender and justice task force. Of this amount: (a) \$45,000 is provided solely for creation of a task force on domestic violence issues. The task force shall undertake a study of domestic violence issues in the criminal justice system and make recommendations for domestic violence reform; (b) \$25,000 is provided solely for the office of the administrator for the courts to initiate measures to educate and train judges, attorneys, and court personnel on domestic violence issues; and (c) \$30,000 is provided solely for a joint study of spousal maintenance and property division issues by the legislature and the superior court judges' association. By January 1, 1991, the study shall recommend changes to achieve greater economic equity among family members following dissolution of a marriage.

(12) \$75,000 of the public safety and education account appropriation is provided solely for the minority and justice task force program to implement recommendations from the minority and justice task force.

Sec. 105. 1989 1st ex.s. c 19 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation--State	\$	((11,894,000))
		<u>11,959,000</u>
General Fund Appropriation--Federal	\$	27,779,000
TOTAL APPROPRIATION	\$	((39,673,000))
		<u>39,738,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund--state appropriation is provided solely for mansion maintenance.

(2) \$~~((421,000))~~ 486,000 of the general fund--state appropriation is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$225,000 of the general fund--state appropriation is provided solely for the administration and activities of a governor's commission on African-American affairs.

Sec. 106. 1990 1st ex.s. c 16 s 111 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	((1,296,000))
		<u>1,326,000</u>

Sec. 107. 1990 1st ex.s. c 16 s 112 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((8,242,000))
		<u>8,364,000</u>

Archives and Records Management Account

Appropriation	\$	2,659,000
Department of Personnel Service Fund		
Appropriation	\$	447,000
TOTAL APPROPRIATION	\$	((11,348,000))
		<u>11,470,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the general fund appropriation is provided solely for acquisition and implementation of necessary redistricting data processing systems in conjunction with the house of representatives and the senate.

(2) \$~~((1,074,000))~~ 839,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(3) \$~~((2,542,000))~~ 2,939,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

(4) \$123,000 of the general fund appropriation is provided solely for expansion of the oral history program recently instituted by the archives and records management division.

(5) \$~~((200,000))~~ 68,000 of the general fund appropriation is provided solely to reimburse counties for costs associated with reporting absentee ballots by precinct, pursuant to chapter 262, Laws of 1990.

Sec. 108. 1990 1st ex.s. c 16 s 114 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation	\$	<u>(902,000)</u>
		937,000
Motor Vehicle Fund Appropriation	\$	225,000
Municipal Revolving Fund Appropriation	\$	16,567,000
Auditing Services Revolving Fund Appropriation	\$	<u>(10,409,000)</u>
		10,249,000
TOTAL APPROPRIATION	\$	<u>((28,103,000))</u>
		27,978,000

Sec. 109. 1990 1st ex.s. c 16 s 118 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation	\$	23,209,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$(908,000)~~ 858,000 is provided solely for information systems projects named in this section for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with section 802 of this act. For the purposes of this subsection, "information systems projects" means the projects known by the following names or successor names: Transmittals, member account ledgers, account receivables, billing, and disbursements.

(2) \$871,000 is provided solely for reduction of the agency's backlogs.

(3) \$184,000 is provided solely for development of data security and program library management.

(4) \$50,000 is provided solely for the preparation of information on disability benefit for members of the retirement systems. In preparing this information, the department shall coordinate with the joint committee on pension policy regarding the committee's employee communications project.

(5) The department shall be divided into three program areas of administration, data processing, and retirement operations.

(6) \$678,000 is provided solely to implement chapter 8, Laws of 1990 (Substitute Senate Bill No. 6594, notification of service credit), Substitute House Bill No. 2643 (survivor's options), and Substitute House Bill No. 2644 (service credit calculations).

(7) \$150,000 is provided solely for preparation and distribution of educational and informational material on retirement for the members of the state's retirement systems. The material shall include, but not be limited to, an update of the plan statements of the state's retirement systems in a readily understandable form, development of easily understood explanations of specific retirement benefits and procedures for obtaining such benefits, and orientation information on retirement.

Sec. 110. 1990 1st ex.s. c 16 s 119 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation	\$	<u>((2,111,000))</u>
		2,236,000

The appropriation in this section is subject to the following conditions and limitations: \$142,000 is provided solely for the information systems project known as the state-wide investment management system.

Sec. 111. 1989 1st ex.s. c 19 s 133 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	<u>((1,329,000))</u>
		1,336,000

Sec. 112. 1990 1st ex.s. c 16 s 121 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation--State	\$	9,296,000
General Fund Appropriation--Federal	\$	1,715,000
General Fund Appropriation--Private/Local	\$	99,000
Motor Vehicle Fund Appropriation	\$	368,000
Resource Management Cost Account Appropriation	\$	2,000
State Wildlife Account Appropriation	\$	4,000
Accident Fund Appropriation	\$	1,000
State Patrol Highway Account Appropriation	\$	228,000
Motor Transport Account Appropriation	\$	10,712,000
General Administration Facilities and Services		
Revolving Fund Appropriation	\$	((22,901,000))
		23,455,000
TOTAL APPROPRIATION	\$	((45,326,000))
		<u>45,880,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle fund appropriation, state patrol highway account appropriation, resource management cost account appropriation, state wildlife account appropriation, and accident account appropriation are provided solely for risk management activities related to those specific funds and accounts.

(2) \$471,000 of the motor transport account appropriation is provided solely to establish the office of motor vehicle services as provided in chapter 57, Laws of 1989.

(3) \$117,000 of the general fund--state appropriation is provided solely for the processing of asbestos claims on behalf of state agencies. All revenue from the claims shall be deposited in the general fund.

Sec. 113. 1990 1st ex.s. c 16 s 122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES--VIDEO TELECOMMUNICATIONS SYSTEM((-))

~~\$(1,209,000))~~ 781,000 is appropriated from the general fund to the department of information services for state-wide video telecommunications, of which: (1) \$179,000 is provided solely to develop a plan for cost-effective, incremental implementation of a coordinated state-wide video telecommunications system, pursuant to chapter 208, Laws of 1990; (2) ~~\$(1,000,000))~~ 572,000 is provided solely for the ~~((purchase of video telecommunications equipment deemed by the information services board to be essential and critical components of a coordinated state wide video telecommunications system))~~ cooperative video telecommunication demonstration project sponsored jointly by the superintendent of public instruction, the state board for community college education, the higher education coordinating board, and the department of information services; and (3) \$30,000 is provided solely for transfer to the superintendent of public instruction to conduct a study on the implications and impact of commercial promotional and commercial sponsorship activities on educational programming and the educational system in general. The superintendent shall prepare and submit a report to the legislature no later than January 15, 1991. The report shall include findings and recommendations, including policy options related to allowing, prohibiting, or limiting the use of commercial promotional activities, or commercial sponsorship activities, in the public school system.

Sec. 114. 1990 1st ex.s. c 16 s 124 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	((461,000))
		<u>488,000</u>
Certified Public Accountant Examination Account		
Appropriation	\$	655,000
TOTAL APPROPRIATION	\$	((1,116,000))
		<u>1,143,000</u>

Sec. 115. 1990 1st ex.s. c 16 s 128 (uncodified) is amended to read as follows:
FOR THE MILITARY DEPARTMENT

General Fund Appropriation--State	\$	((8,097,000))
		<u>8,464,000</u>
General Fund Appropriation--Federal	\$	6,425,000
TOTAL APPROPRIATION	\$	((14,522,000))
		<u>14,889,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided solely for a recruiting brochure for the 81st infantry brigade.

"PART II

HUMAN SERVICES"

Sec. 201. 1989 1st ex.s. c 19 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations in sections 203 through 219 of chapter 19, Laws of 1989 1st ex. sess., as amended, sections 10 through 16 of chapter 10, Laws of 1989 1st ex. sess., and sections 401 through 423 of chapter 271, Laws of 1989 shall be expended for the programs and in the amounts listed in those sections. However, after May 1, 1991, unless specifically prohibited by this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from conditions and limitations.

~~(2) ((Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.~~

(2)) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1989. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, except maternal and child health block grant moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on explicitly defined projects or matched on a formula basis by state funds.

~~((3))~~ (4) The department of social and health services is authorized to expend federal funds made available by the federal immigration reform and control act, P.L. 99-603, for the purposes contained in that act.

Sec. 202. 1990 1st ex.s. c 16 s 202 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation--State	\$	((276,824,000))
		<u>282,660,000</u>
General Fund Appropriation--Federal	\$	((171,515,000))
		<u>169,598,000</u>

Drug Enforcement and Education Account

Appropriation	\$	2,000,000
Public Safety and Education Account		
Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	((450,739,000))
		<u>454,658,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,152,000 of the general fund--state appropriation and \$293,000 of the general fund--federal appropriation are provided solely for reduction of the average caseloads for child protective and child welfare casework staff to a standard of thirty-two cases per staff.

(2) \$5,812,000 of the general fund--state appropriation is provided solely to expand services to families to reduce the need for family or group foster care. Of the amount provided in this subsection, \$2,560,000 is provided solely for additional homemakers; \$982,000 is provided solely for family reconciliation services (level II); \$1,000,000 is provided solely for home-based services or treatment for families receiving child protective services; and \$1,270,000 is provided solely for increased child care services.

(3) \$400,000 of the public safety and education account appropriation is provided solely to continue training programs under chapter 70.125 RCW for medical personnel regarding victims of sexual abuse. Training provided under this subsection shall be designed to develop regional expertise on identification, verification, and retention of evidence in cases of child sexual abuse.

(4) \$5,090,000 of the general fund--state appropriation and \$591,000 of the general fund--federal appropriation are provided solely to increase rates and services as follows: \$3,210,000 of the general fund--state appropriation and \$591,000 of the general fund--federal appropriation are provided solely for increased treatment and rates for family foster care and child placement agencies; \$500,000 of the general fund--state appropriation is provided solely for increased grants to domestic violence shelter programs; \$200,000 of the general fund--state appropriation is provided solely for increased grants to victims of sexual assault programs; and \$1,180,000 of the general fund--state appropriation is provided solely for increased rates for therapeutic child care.

(5) \$4,926,000 of the general fund--state appropriation is provided solely to increase the number of children served in the employment child care subsidy program.

(6) \$929,000 of the general fund--state appropriation is provided solely for expansion of the homebuilders program in Thurston, King, Skagit, Clark, and Jefferson counties.

(7) \$300,000 of the general fund--state appropriation is provided solely for grants for the operation of community-based family support centers. Grants shall be administered and evaluated by the council for prevention of child abuse and neglect. Grantees shall be part of a community interagency team that provides support to families, which support may include, but is not limited to, parenting education and support groups, child development assessments, and information and referral services. As a condition of receiving a grant, grantees shall provide twenty-five percent of the funding for family support centers.

(8) Any federal funds not anticipated in this act received for the purpose of maternal and child health services may be spent to increase county health department services to families with young children, including home visits, preventive health care, nutrition, and other services.

(9) \$5,133,000 of the general fund--state appropriation and \$2,559,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the children and family services program, as specified in section 202 of this act.

(10) \$2,020,000 of the general fund--state appropriation is provided solely for foster care diversion projects established under section 203(15), chapter 289, Laws of 1988. The department shall continue or expand those projects showing positive outcomes in both benefits to families and cost neutrality. The department shall report to the appropriate committees of the legislature by January 8, 1990, on these projects. The reports shall include a description of each project, the cost of each project, and an assessment of its effectiveness.

(11) \$250,000 of the general fund--state appropriation is provided solely for employer-related child care activities, including outreach and technical assistance to employers, by the department of social and health services or community-based child care resource and referral agencies as outlined in Engrossed Substitute House Bill No. 1133 and Second Substitute Senate Bill No. 6051. No moneys provided in this subsection may be spent for grants or loans to employers.

(12) \$2,150,000 of the general fund--state appropriation is provided solely for continuation of the "continuum of care" projects through June 30, 1991. \$1,400,000 of this amount is provided solely for continuation of direct services provided at the three existing sites. In addition, \$250,000 is provided solely for a fourth site. The legislature intends that associated research be limited to the collection of risk assessment data on children served by these sites.

(13) \$1,525,000 of the general fund--state appropriation is provided solely for treatment of sexually abused children pursuant to sections 1402 and 1403, chapter 3, Laws of 1990.

(14) \$1,196,000 of the general fund--state appropriation is provided solely for the treatment of sexually aggressive youth pursuant to chapter 3, Laws of 1990.

(15) \$175,000 of the general fund--state appropriation is provided solely to conduct separate pilot projects in King and Spokane counties for the joint investigation of child abuse and sexual assault cases by local law enforcement personnel and state child protective service caseworkers pursuant to chapter 3, Laws of 1990.

(16) \$55,000 of the general fund--state appropriation is provided solely for Volunteers of America of Spokane's crosswalk project.

(17) \$245,000 of the general fund--state appropriation is provided solely for state-wide parent education and support, including such groups as Parents Anonymous. Of this amount, \$45,000 is provided for the Washington council for the prevention of child abuse and neglect to monitor programs and further develop the database clearinghouse project.

(18) \$1,038,000 of the general fund--state appropriation and \$312,000 of the general fund--federal appropriation are provided for adoption support. Of this amount, \$137,000 of the general fund--state appropriation and \$135,000 of the general fund--federal appropriation are provided solely for reconsideration of adoption support pursuant to Engrossed House Bill No. 2602.

(19) \$204,000 of the general fund--state appropriation and \$28,000 of the general fund--federal appropriation are provided solely for foster care preservice training pursuant to section 2 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(20) \$93,000 of the general fund--state appropriation and \$13,000 of the general fund--federal appropriation are provided solely for on-site monitoring of family foster homes and reporting requirements pursuant to section 4 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(21) \$430,000 of the general fund--state appropriation is provided solely for respite care pursuant to section 8 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$37,000 of the general fund--state appropriation and \$5,000 of the general fund--federal appropriation are provided solely for additional training to foster parents

pursuant to section 13 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(23) No more than \$210,000 of the general fund--state appropriation may be spent to increase the administrative rate paid to child placement agencies, effective July 1, 1990.

(24) \$355,000 of the general fund--state appropriation and \$49,000 of the general fund--federal appropriation are provided solely for the recruitment of foster parents pursuant to section 15 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$125,000 of the general fund--state appropriation and \$17,000 of the general fund--federal appropriation are provided solely to develop and implement a foster parent survey tool pursuant to section 17 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(26) \$344,000 of the general fund--state appropriation and \$47,000 of the general fund--federal appropriation are provided solely for parental rights termination casework consistent with policy established in sections 31 through 33 of Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(27) \$9,800,000 of the general fund--state appropriation and \$1,292,000 of the general fund--federal appropriation are provided solely to increase, by a uniform percentage, vendor rates for out-of-home placements, including juvenile group homes, effective July 1, 1990.

(28) \$1,850,000 of the general fund--state appropriation is provided solely to implement the family independence program child care rate structure and child slot system in other child care programs offered by the department, effective January 1, 1991.

(29) \$300,000 of the general fund--state appropriation is provided solely for domestic violence programs.

(30) \$600,000 of the general fund--state appropriation is provided solely for child care for clients of the maternity care access ("first steps") program.

(31) \$2,000,000 of the general fund--state appropriation is provided solely for the expansion of women((s)), infants, and children (WIC) program to eligible children from birth to age six.

(32) \$1,502,000 of the general fund--state appropriation and \$91,000 of the general fund--federal appropriation are provided solely for child care licensing. The legislature intends that .3 of an attorney general FTE be added at the effective date of this act, and that an additional 2.0 attorneys general FTEs be added effective January 1, 1991.

(33) \$2,000,000 of the drug enforcement and education account appropriation is provided solely for the care of children affected by substance abuse by their mothers. Of this amount:

(a) \$600,000 is provided solely for the treatment of infants who are medically fragile as a result of substance abuse by their mothers. Treatment shall be provided at pediatric interim care centers that give temporary medical care to detoxify foster care infants born under the influence of cocaine or other drugs, including alcohol; and

(b) \$1,400,000 is provided solely to increase the number of special needs infants and children receiving therapeutic child care services.

(34) Authority to expend funds for the women((s)), infant, and children (WIC) data systems project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(35) Authority to expend funds for the children services case and management information system (CAMIS) project is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(36) \$370,000 of the general fund--state appropriation is provided solely to implement Engrossed House Bill No. 2602 subject to the following conditions and limitations:

(a) \$100,000 is provided solely for comprehensive adoption training for public agencies and private nonprofit organizations that provide pregnancy information and counseling to women;

(b) \$240,000 is provided solely for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW for additional staff to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children;

(c) \$30,000 is provided solely for extended general assistance benefits to pregnant women as provided in section 2 of Engrossed Substitute House Bill No. 2602. If the bill is not enacted by June 30, 1990, this amount shall lapse.

(37) \$30,000 of the general fund--state appropriation is provided solely for a study on adoption to be conducted by the senate, house of representatives, administrator for the courts, and the department of social and health services. Of the amount provided in this subsection, \$5,000 shall be provided to the senate, \$5,000 shall be provided to the house of representatives, \$10,000 shall be provided to the administrator for the courts, and \$10,000 shall be provided to the department of social and health services. A report shall be submitted to the appropriate committees of the legislature and shall include: (a) Recommended guidelines for minimum standards for adoption; and (b) recommended statutory and administrative changes to better provide for the needs of persons involved in adoption. The department shall request that the state adoption council, the state bar association, and the state medical association participate in the study.

Sec. 203. 1990 1st ex.s. c 16 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	((35,439,000))
		<u>34,411,000</u>
General Fund Appropriation--Federal	\$	134,000
TOTAL APPROPRIATION	\$	((35,573,000))
		<u>34,545,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$418,000 of the general fund--state appropriation is provided solely for vendor rate increases for vendors providing service to the juvenile rehabilitation program, as specified in section 202 of this act.

(b) \$554,000 of the general fund--state appropriation is provided solely to accommodate offender population increases resulting from the policies of the juvenile disposition standards board.

(c) \$1,046,000 of the general fund--state appropriation is provided solely for the cost of court-ordered evaluations of juvenile sex offenders to determine their amenability to treatment and for costs associated with providing outpatient sex offender treatment and community supervision as part of the special sexual offender disposition alternative pursuant to chapter 3, Laws of 1990.

(d) \$710,000 of the general fund--state appropriation is provided solely for outpatient treatment services for juvenile sex offender parolees, and for additional juvenile parole staff required as a result of an increase in the length of parole for juvenile sex offenders pursuant to chapter 3, Laws of 1990.

(e) \$171,000 of the general fund--state appropriation is provided solely for the costs of juvenile sex offender treatment coordinators, providing training for regional staff, and

establishing resource libraries as recommended by the governor's task force on community protection.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	((47,729,000))
		<u>49,529,000</u>
General Fund Appropriation--Federal	\$	871,000
TOTAL APPROPRIATION	\$	((48,600,000))
		<u>50,400,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) The department shall develop a long-range plan for the future status of institutional programs and facilities. The plan shall be presented to the appropriate policy and fiscal committees of the senate and house of representatives by January 8, 1990, and shall address in detail:

(i) Offenders who can be diverted to community programs;

(ii) Community programs necessary to successfully divert offenders from state facilities;

(iii) Programs and facilities most appropriate for offenders requiring incarceration in state facilities;

(iv) The costs to state and local organizations to accomplish the plan; and

(v) Policy changes necessary to accomplish the plan.

(b) \$284,000 of the general fund--state appropriation is provided solely for juvenile sex offender treatment coordinators, specialized treatment services for juvenile sex offenders, training for institutional staff, and resource libraries, as recommended by the governor's task force on community protection.

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	2,905,000
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Sec. 204. 1990 1st ex.s. c 16 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	((177,613,000))
		<u>176,113,000</u>
General Fund Appropriation--Federal	\$	((94,432,000))
		<u>94,342,000</u>
General Fund Appropriation--Local	\$	3,753,000
TOTAL APPROPRIATION	\$	((275,708,000))
		<u>274,208,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$35,212,000 of the general fund--state appropriation and \$17,127,000 of the general fund--federal appropriation are provided for approved regional network plans through contracts negotiated with the secretary of social and health services.

(i) It is the intent of the legislature to implement mental health reform on a multi-year schedule. Dramatic escalation of costs for new programs would impair the state's ability to proceed with subsequent expansion. The contracts shall contain a fiscal plan that will ensure that the increased cost of maintaining fiscal year 1991 programs in fiscal year 1992 will not unduly exceed the rate of inflation. Of the amounts provided in this subsection, a maximum of \$500,000 from the general fund--state appropriation may be used for planning and technical assistance grants to counties or regions wishing to form networks. The amounts in this subsection include moneys needed to implement the federal omnibus budget and reconciliation act of 1987 ("OBRA"). First priority for

necessary mental health services shall be given to individuals transferred from nursing homes because of OBRA. Such services shall be consistent with an individual's discharge plan and shall include residential services, if needed. Assumptions regarding the number of transfers from the nursing homes shall be incorporated into each contract and shall be consistent with the state-wide plan. The department shall coordinate OBRA transfers consistent with the provisions of each contract. The secretary shall negotiate contracts only with regional support networks that received recognition under chapter 205, Laws of 1989 as of January 1, 1990. Funding for the north sound and north central networks shall commence no sooner than January 1, 1991. Networks funded after January 1990 shall be subject to the same contracting process as networks funded in January 1990.

(ii) The department shall continue contracting directly for the Kitsap mental health services residential care alternative project until such time as Kitsap county becomes or joins a regional support network. The reimbursement rate per available bed-day shall not exceed \$206 in fiscal year 1990 and \$210 in fiscal year 1991. During the contract period, all eligible involuntary treatment referrals for Kitsap county residents shall be made to the project. No involuntary referrals shall be made to western state hospital unless the Kitsap residential treatment facility is filled to capacity and the mental health division and the Kitsap county mental health coordinator concur with the referral. Priority for referral to western state hospital shall be given to individuals under ninety-day or one hundred eighty-day commitments and individuals who have exhausted all community placement options.

(iii) The department may continue to contract directly with Chartley house until King county joins or becomes a regional support network.

(b) \$2,000,000 of the general fund--state appropriation is provided solely for a mental health housing reserve. The secretary of social and health services shall transfer funds from the reserve to the state hospitals in any quarter in which hospital census exceeds the December 1988 forecast adjusted to eliminate the bed contract assumption. Any amount remaining after March 1991 may be used for one-time grants. In making grants, the secretary shall give priority to proposals that facilitate network development, demonstrate integration with other mental health services, and are designed to reduce involuntary treatment.

(c) \$5,500,000 of the general fund--state appropriation is provided solely for increases for involuntary treatment act administration, including costs associated with involuntary medication hearings.

(d) \$2,200,000 of the general fund--state appropriation is provided solely for information system requirements associated with chapter 205, Laws of 1989. Authority to expend funds for the client information system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(e) \$600,000 of the general fund--state appropriation and \$400,000 of the general fund--federal appropriation are provided solely for increasing local hospital outlier payments.

(f) \$1,400,000 of the general fund--state appropriation and \$500,000 of the general fund--federal appropriation are for community mental health services for children. Priority for the remaining moneys shall be given to maintaining Title XIX eligibility for children's outpatient services at risk of losing federal financial participation because of lack of state match.

(g) \$3,509,000 of the general fund--state appropriation and \$1,322,000 of the general fund--federal appropriation are for vendor rate increases for vendors providing services to the mental health program, as specified in section 202 of this act.

(h) \$165,000 of the general fund--state appropriation is provided solely for a pilot project on the delivery of children's mental health services. The amount provided in this subsection is contingent on receipt by the department of \$393,000 from private sources.

(i) \$1,500,000 of the general fund--state appropriation and \$720,000 of the general fund--federal appropriation are provided solely for the enhancement of children's mental health services. The department shall contract with networks and counties through separate performance-based contracts. Contracts shall include a provision expanding services for underserved or difficult-to-service children, including minorities. Applications from counties and networks shall include endorsements from affected school districts, child welfare agencies, juvenile court systems, and tribes. Of these amounts, \$200,000 is provided solely for the development of a state-wide action plan for children's mental health. The plan shall include strategies to reduce duplicate case management. It shall recommend changes, if necessary, to mental health statutes and other statutes to accommodate children's special needs and circumstances. It shall include proposals to increase access and availability of culturally relevant mental health services for minority children. It shall propose a protocol for client referrals from educational and social service agencies and a cross-system collaborative process for ranking those referrals. In developing the plan, the department shall involve representatives of the education, juvenile justice, child welfare, and mental health systems. The department shall present the plan by December 1, 1990, to the appropriate program and fiscal committees of the house of representatives and the senate.

(j) \$500,000 of the general fund--state appropriation is provided solely for a comprehensive community-based pilot program for the prevention of community violence:

(i) The pilot program shall be established through a competitive selection process and shall provide for coordination between local law enforcement agencies and courts, local government, domestic violence and victims' support programs, regional support networks, public health agencies, health care providers, schools, and relevant programs within state agencies. The program shall designate a lead agency and develop written interagency agreements to provide a coordinated continuum of services. The pilot program shall make every effort to preserve existing violence intervention programs and coordinate available funding for services related to community violence prevention and services to victims of violence.

(ii) The pilot program shall provide at least the following services: Services to family members who are victims of violence; services to victims of violent crime; case management services; specialized intervention programs for treatment of perpetrators of violence; parenting and caregiver training to families experiencing or at-risk of experiencing violence; and public education regarding community violence.

(iii) Twenty-five percent of the funding for the pilot program shall be provided in-kind or in cash by public or private entities in the community administering the pilot program.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	((208,720,000))
		<u>208,320,000</u>
General Fund Appropriation--Federal	\$	10,877,000
TOTAL APPROPRIATION	\$	((219,597,000))
		<u>219,197,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$9,026,000 of the general fund--state appropriation and \$560,000 of the general fund--federal appropriation are provided for improvements at state mental hospitals. Of these amounts, it is intended that:

(a) \$56,000 is for start-up of an employee day care facility to enhance staff recruitment and retention.

(b) \$500,000 is for staff recruitment, retention, and development activities which includes but is not limited to continuing education, inservice training, and scholarships for staff training to become registered nurses.

(c) \$2,920,000 is for improving housekeeping and maintenance.

(d) \$2,750,000 is for improved staffing at the state hospitals.

(e) \$2,550,000 is for research and teaching activities in cooperation with universities, colleges, community colleges, and vocational technical institutes. In developing these relationships, the secretary shall give highest priority to activities which improve staff recruitment, retention, and development and contribute to improving quality of care.

(f) \$100,000 is for the nurses conditional scholarship program established in chapter 242, Laws of 1988. The department shall transfer \$100,000 to the higher education coordinating board for the purposes of this section. The moneys transferred to the board shall be used only for nurses who agree to serve at the state hospitals or who agree to serve community mental health providers in underserved areas.

(g) \$960,000 of the general fund--state appropriation is provided solely for the costs incurred by the attorney general and county governments in the civil commitment of sexually violent predators pursuant to chapter 3, Laws of 1990.

(h) \$654,000 is provided solely for providing treatment to civilly committed sexual predators pursuant to chapter 3, Laws of 1990.

(3) PROGRAM SUPPORT

General Fund Appropriation--State	\$	3,347,000
General Fund Appropriation--Federal	\$	1,379,000
TOTAL APPROPRIATION	\$	4,726,000

(4) SPECIAL PROJECTS

General Fund Appropriation--State	\$	1,558,000
General Fund Appropriation--Federal	\$	2,966,000
TOTAL APPROPRIATION	\$	4,524,000

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of the general fund--state appropriation is provided solely to expand the primary intervention program to fifteen additional school districts beginning in 1989-90.

Sec. 205. 1990 1st ex.s. c 16 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation--State	\$	117,868,000
General Fund Appropriation--Federal	\$	99,210,000
TOTAL APPROPRIATION	\$	217,078,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$992,000 of the general fund--state appropriation and \$669,000 of the general fund--federal appropriation are provided solely to provide additional funding for the Sunrise group homes congregate care facilities and the St. Margaret's Hall congregate care facility, and to establish a pilot group home project for the Special Homes and MORE organizations. The department may transfer up to \$238,000 of the general fund--state appropriation provided in the long-term care services program to this subsection to provide additional funding for Sunrise group homes.

(b) \$417,000 of the general fund--state appropriation and \$477,000 of the general fund--federal appropriation are provided solely to transfer twenty-eight residents of the united cerebral palsy program to community-based residential programs.

(c) \$2,785,000 of the general fund--state appropriation and \$1,413,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the developmental disabilities program, as specified in section 202 of this act.

(d) To the extent feasible, the department shall enable at least twenty-two developmentally disabled persons, initially from Clark county, who have been transferred

from residential habilitation centers due to downsizing to receive residential and day programming services in Clark county.

(e) \$1,391,000 of the general fund--state appropriation is provided solely for supervision and treatment of developmentally disabled individuals who have a history of sexually predatory or violent and assaultive behavior, are not incarcerated and cannot be civilly committed, and whose family or other caregivers cannot provide sufficient supervision or care to prevent the individual from engaging in further sexually predatory or violent and assaultive behaviors, as recommended by the governor's task force on community protection.

(f) \$300,000 of the general fund--state appropriation is provided solely for contracting with a not-for-profit organization for the purpose of promoting supported employment services for the developmentally disabled. Any agreement for the use of a portion of this appropriation shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the not-for-profit organization at the end of the biennium to ensure that the organization has secured the required matching funds.

((h)) (g) In making residential placement of clients with developmental disabilities previously residing in residential habilitation centers, the state may provide such services directly after: Efforts have been made to provide private support and services to the client; private residential providers from the region chosen by the client or parent or guardian have been contacted about providing services to the client; and the parent or guardian requests placement in a state-operated facility.

(i) The department shall immediately request that the county with the largest population within each of the department's six administrative regions prepare and annually update, through a cooperative effort with the local developmental disability boards and the regional department administration, a directory of all services available within the region for the developmentally disabled. \$151,000 of the general fund--state appropriation is provided solely for allocation to the counties for preparation of the directory.

(ii) Prior to placing a client in a community residential program, the department shall interview the client and the client's parent or guardian about the placement, including, if necessary, mailing a certified letter to the last known address of the parent or guardian.

(iii) A client who has been moved from a state residential habilitation center to a private community residential program or a private facility for the mentally retarded shall not thereafter be placed in a state-operated community residential program, unless no private facility in the region is able and willing to serve the client, as determined by the department.

(iv) After December 31, 1990, the number of clients served in state-operated community residential programs, other than regional habilitation centers, shall not exceed the number of clients who are subject to the federal and state plans in effect on March 30, 1990, for residential habilitation center reduction and who by December 31, 1990, choose to be so served.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation--State	\$	((105,025,000))
		<u>108,225,000</u>
General Fund Appropriation--Federal	\$	((127,731,000))
		<u>150,527,000</u>
TOTAL APPROPRIATION	\$	((232,756,000))
		<u>258,752,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,000,000 of the general fund--state appropriation and \$675,000 of the general fund--federal appropriation are provided solely to fund the provisions of Engrossed Substitute House Bill No. 1051. If Engrossed Substitute House Bill No. 1051 is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(b) \$150,000 of the general fund--state appropriation may be used to provide day programming services to residents of the Frances Haddon Morgan Center.

(3) PROGRAM SUPPORT

General Fund Appropriation--State	\$	3,879,000
General Fund Appropriation--Federal	\$	626,000
TOTAL APPROPRIATION	\$	4,505,000

Sec. 206. 1990 1st ex.s. c 16 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund Appropriation--State	\$	((460,847,000))
		447,369,000
General Fund Appropriation--Federal	\$	((519,795,000))
		502,950,000
General Fund Appropriation--Local	\$	296,000
TOTAL APPROPRIATION	\$	((980,938,000))
		950,615,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 4.7 percent on July 1, 1989, and 4.7 percent on July 1, 1990.

(2) \$3,200,000 of the general fund--state appropriation is provided solely to enhance respite care services.

(3) The department shall provide personal care services for Title XIX categorically eligible persons, effective July 1, 1989. Personal care services shall be provided to eligible persons with one or more personal care needs who meet program eligibility standards established by rule pursuant to chapter 34.05 RCW.

(4) \$2,100,000 of the general fund--state appropriation and \$700,000 of the general fund--federal appropriation are provided solely to increase medical benefits for contracted chore service workers, contracted personal care workers, and contracted COPEs workers.

(5) The department shall request an amendment to its community options program entry system waiver under section 1905(c) of the federal social security act to include respite services as a service available under the waiver.

(6) At least \$16,050,420 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,265,000 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(7) \$2,179,000 of the general fund--state appropriation and \$2,464,000 of the general fund--federal appropriation are provided solely for expansion of the community options entry program.

(8) \$700,000 of the general fund--state appropriation is provided for new and expanded volunteer chore services.

(9) \$4,270,000 of the general fund--state appropriation and \$813,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to long-term care services, as specified in section 202 of this act.

(10) \$500,000 of the general fund--state appropriation is provided solely to enhance quality assurance for adult family homes through enhanced survey, licensing, and contracted consultation activities. If House Bill No. 1968 is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(11) In addition to the adjustments for inflation set forth in subsection (1) of this section, \$1,410,000 of the general fund--state appropriation and \$1,590,000 of the general fund--federal appropriation are provided solely for a special prospective inflation adjustment for the nursing services cost center. The special adjustment shall go into effect July 1, 1989, and shall be set at a level to ensure that the amount provided in this subsection is sufficient to fund the special adjustment through June 30, 1991. The special adjustment shall be used only to fund wages and benefits and shall not be used to fund nursing pool expenses. The legislature finds that medicaid reimbursement rates, in every cost center and rate period, are and have been adequate, without enhancements, to meet costs that must be incurred by economically operated nursing care in compliance with all state or federal health and safety standards.

(12) \$5,957,000, of which \$2,638,000 is from the general fund--state appropriation, is provided solely for the maximum needs allowance for at-home spouses of nursing home residents as provided in chapter 87, Laws of 1989. The maximum needs allowance is set at \$1,258 per month per at-home spouse.

(13) \$50,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general.

Sec. 207. 1990 1st ex.s. c 16 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund Appropriation--State	\$	((422,021,000))
		<u>492,380,000</u>
General Fund Appropriation--Federal	\$	((561,882,000))
		<u>548,711,000</u>
TOTAL APPROPRIATION	\$	((983,903,000))
		<u>1,041,091,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,661,000 of the general fund--state appropriation and \$10,026,000 of the general fund--federal appropriation are provided solely for a two percent standard increase beginning January 1, 1990, for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(2) \$7,938,000 of the general fund--state appropriation and \$9,210,000 of the general fund--federal appropriation are provided solely for a six percent increase, beginning January 1, 1991, in the grant standard for the aid to families with dependent children, noncontinuing general assistance, and refugee assistance programs.

(3) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To

this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(4) \$946,000 of the general fund--state appropriation and \$241,000 of the general fund--federal appropriation are provided solely for the shelter component of grants for homeless families or persons who lack a fixed, regular, and adequate nighttime residence, or who reside in a public or privately operated shelter that is designed to provide temporary living accommodations, or who are provided temporary lodging through a public or privately funded emergency shelter program. This amount is intended to be applied to members of these groups whose grants could otherwise be established using a separate standard for shelter provided at no cost pursuant to RCW 74.04.770.

(5) \$250,000 of the general fund--state appropriation and \$117,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services for the income assistance program, as specified in section 202 of this act.

(6) The department shall expand the family independence program by four sites to a total of fifteen sites.

(7) ~~((Moneys from these appropriations may be spent for general assistance programs not included in section 209 of this act.))~~ For accounting purposes, general fund--state expenditures during the 1989-91 biennium for the general assistance program shall not be offset by general assistance payments recovered as a result of the federal supplemental security income program unless the recovery is actually received by June 30, 1991.

Sec. 208. 1990 1st ex.s. c 16 s 211 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation--State	\$	((28,872,000))
		<u>27,672,000</u>
General Fund Appropriation--Federal	\$	38,941,000
Drug Enforcement and Education Account		
Appropriation--State	\$	((800,000))
		<u>600,000</u>
TOTAL APPROPRIATION	\$	((68,613,000))
		<u>67,213,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,204,000 of the general fund--state appropriation and \$32,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services for the community social service program, as specified in section 202 of this act.

(2) \$700,000 of the general fund--state appropriation is provided solely to expand refugee assistance services.

(3) In order to achieve a more equitable rate structure, the department, in consultation with affected parties, shall revise its rates for vendors providing services for the alcohol and drug addiction treatment and support program by reducing outpatient treatment rates and increasing inpatient treatment rates.

(4) \$300,000 of the drug enforcement and education account--state appropriation is provided solely for youth employment programs for drug-involved youth who are or have been under the jurisdiction of the department of social and health services, division of juvenile rehabilitation. Services shall be provided by the corrections clearinghouse and Washington service corps operated by the department of employment security.

(5) (~~(\$500,000)~~) \$300,000 of the drug enforcement and education account--state appropriation is provided solely for outreach to chemically dependent pregnant women and for the operation of transitional sobriety housing for recovering chemically dependent pregnant women and their children.

Sec. 209. 1990 1st ex.s. c 16 s 212 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND
DRUG TREATMENT AND SUPPORT PROGRAM--ASSESSMENT AND
TREATMENT

General Fund Appropriation--State	\$	((16,199,000))
		<u>13,899,000</u>
General Fund Appropriation--Federal	\$	9,948,000
Drug Enforcement and Education Account Appropriation--State	\$	((1,500,000))
		<u>750,000</u>
TOTAL APPROPRIATION	\$	((27,647,000))
		<u>24,597,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund appropriations are provided solely for assessment and treatment services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. First priority for receipt of inpatient and outpatient treatment services shall be given to pregnant women and parents of young children. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) The entire drug enforcement and education account--state appropriation is provided solely for child care for children of parents in outpatient drug and alcohol treatment.

Sec. 210. 1990 1st ex.s. c 16 s 213 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND
DRUG TREATMENT AND SUPPORT PROGRAM--SHELTER

General Fund Appropriation	\$	((3,423,000))
		<u>1,923,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for shelter services under the alcohol and drug addiction treatment and support act and is the maximum amount that may be spent for those services. The department shall conserve the moneys from this appropriation so that services are available throughout the 1989-91 biennium.

(2) A person is eligible for shelter services provided by this appropriation only if he or she:

(a) Meets the financial eligibility requirements contained in RCW 74.04.005;

(b) Is incapacitated from gainful employment due to a condition contained in (c) of this subsection, which incapacity will likely continue for a minimum of sixty days; and

(c)(i) Suffers from active addiction to alcohol or drugs manifested by physiological or organic damage resulting in functional limitation, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding; or

(ii) Suffers from active addiction to alcohol or drugs to the extent that impairment of the applicant's cognitive ability will not dissipate with sobriety or detoxification, based on documented evidence from a physician, psychologist, or alcohol or drug treatment professional who is determined by the department to be qualified to make this finding.

(3) Any rule by the department pursuant to section 2, chapter 3, Laws of 1989, as amended, shall be consistent with these conditions and limitations.

(4) Consistent with RCW 74.50.010(7), the department shall aggressively develop and contract for shelter services, including dormitory-style shelters.

Sec. 211. 1990 1st ex.s. c 16 s 216 (uncodified) is amended to read as follows:

The sums of ~~((eleven))~~ ten million two hundred thousand dollars from the drug enforcement and education account--state and one million dollars from the general fund--federal, or as much thereof as may be necessary, are appropriated for the biennium ending June 30, 1991, to the department of social and health services to provide inpatient youth assessment and treatment programs to serve youth and their families. At least forty percent of new inpatient treatment slots provided under this section shall be located east of the Cascade mountains. Up to fifteen of the treatment slots created under this section shall be staff-secure. Inpatient treatment programs shall incorporate appropriate outpatient and aftercare programs. In addition, within appropriated funds, the department shall develop intensive outpatient treatment services for children and youth for whom inpatient treatment is inappropriate or unavailable.

Sec. 212. 1990 1st ex.s. c 16 s 217 (uncodified) is amended to read as follows:

The sum((s)) of ~~((one hundred eighty three thousand dollars from the drug enforcement and education account--state and))~~ two hundred seventeen thousand dollars from the general fund--federal, or as much thereof as may be necessary, ~~((are))~~ is appropriated for the biennium ending June 30, 1991, to the department of social and health services for distribution to counties for methadone treatment pursuant to chapter 69.54 RCW, subject to the following conditions and limitations: This sum is provided solely for the purpose of increasing the number of persons for whom methadone treatment is available, and the department shall distribute funds under this section to a county only for the establishment of new treatment centers and only if a county attempts to recover the cost of methadone treatment by charging user fees based on ability to pay.

Sec. 213. 1990 1st ex.s. c 16 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation--State	\$	((697,558,000))
		<u>723,447,000</u>
General Fund Appropriation--Federal	\$	((689,430,000))
		<u>700,993,000</u>
TOTAL APPROPRIATION	\$	((1,386,988,000))
		<u>1,424,440,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(2) The senate committee on ways and means and the house of representatives committee on appropriations shall jointly contract for a management and financial study of Harborview medical center, for the purpose of determining whether the cause of the actual and projected operating losses experienced by Harborview medical center are attributable to management practices within the hospital itself, or whether they are fundamentally attributable to the context in which the hospital operates.

(3) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(4) \$7,014,000 of the general fund--state appropriation and \$6,928,000 of the general fund--federal appropriation are provided solely for vendor rate increases for vendors providing services to the medical assistance program, as specified in section 202 of this act.

(5) In order to increase coordination and visibility of the state's overall mental health effort, a maximum of \$37,158,000 of the general fund--state appropriation, and a maximum of \$39,921,000 of the general fund--federal appropriation may be transferred to the mental health program. The department shall report to the house of representatives committee on appropriations and senate ways and means committee on any adjustments needed to this act to implement this subsection. It is the intent of the legislature that providers providing services funded by the amounts provided in this subsection shall receive the vendor increases provided in this section.

(6) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

~~((8))~~ (7) \$1,620,000 of the general fund--state appropriation and \$1,914,000 of the general fund--federal appropriation are provided solely for medical assistance for categorically needy children up to age six whose household income does not exceed one hundred thirty-three percent of the federal poverty level and whose coverage qualifies for federal financial participation under Title XIX of the federal social security act.

~~((9))~~ (8) \$4,470,000 of the general fund--state appropriation and \$2,155,000 of the general fund--federal appropriation are provided solely for the expansion of health care services for children up to age eighteen from families with incomes below the federal poverty level. If Engrossed Substitute House Bill No. 2603 is enacted by June 30, 1990, the expansion shall become effective January 1, 1991. If Engrossed Substitute House Bill No. 2603 is not enacted by June 30, 1990, the amounts provided in this subsection shall lapse.

~~((10))~~ (9) \$6,293,000 of the general fund--state appropriation and \$6,545,000 of the general fund--federal appropriation are provided solely to increase children's access to basic health care through increases in payment rates for medical assistance and children's health services. \$1,371,000 of the general fund--state amount and \$459,000 of the general fund--federal amount in this subsection are provided solely to increase rates for managed care providers. The department shall adjust rates to ensure that no managed care provider is paid less than the state-wide average fee-for-service equivalent. The rate increases provided in this subsection shall become effective September 1, 1990.

~~((11))~~ (10) The department may, by intra-agency agreement, transfer funding from the appropriations for the medical assistance program to other department programs to provide nonhospital care for infants born with alcohol or drug addiction. Up to \$500,000 of the general fund--state appropriation may be transferred to the division of children and family services to provide specialized support and services to foster parents of these specialized needs babies. The support and services may include case management services, personal care services, specialized medical equipment, training, respite services, and counseling services. The department may prospectively reimburse foster care providers of infants and children affected by maternal use of or exposure to alcohol, drugs, or AIDS. Where possible, the department shall claim federal match for this less expensive alternative to hospital care. When it is deemed medically necessary for an infant to remain in a hospital setting, the infant shall not be transferred to a nonhospital setting. Transfer of the amounts under this subsection shall continue only if the department is able to demonstrate savings. The department shall report to the appropriate fiscal and program committees of the house of representatives and the senate on the implementation of this section by November 15, 1990.

Sec. 214. 1990 1st ex.s. c 16 s 220 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--
ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation--State	\$	((55,898,000))
		<u>55,198,000</u>
General Fund Appropriation--Federal	\$	((36,980,000))

	37,680,000
Institutional Impact Account Appropriation	\$ 230,000
TOTAL APPROPRIATION	\$ 93,108,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$666,000 of the general fund--state appropriation is provided solely to enhance the department's accounting system.

(2) \$83,000 of the general fund--state appropriation is provided solely for victims and witness notification pursuant to chapter 3, Laws of 1990.

(3) \$159,000 of the general fund--federal appropriation is provided solely to fund the 1989-91 salary increase in those programs that receive lidded federal block grant allocations. The department may transfer funds provided in this subsection between programs as necessary to accomplish the purpose of this subsection.

(4) \$150,000 of the general fund--state appropriation is provided solely for transfer to the institutional impact account.

(5) \$148,000 of the general fund--state appropriation and \$20,000 of the general fund--federal appropriation are provided solely for parental rights termination case administrative support pursuant to Second Substitute Senate Bill No. 6537. If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 215. 1990 1st ex.s. c 16 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation--State	\$ ((164,539,000))
	163,617,000
General Fund Appropriation--Federal	\$ ((200,973,000))
	201,895,000
TOTAL APPROPRIATION	\$ 365,512,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,178,000 of the general fund--state appropriation is provided solely to expand the supplemental security income pilot project state-wide.

(2) \$454,000 of the general fund--state appropriation and \$840,000 of the general fund--federal appropriation are provided solely to expand the patient-requiring-regulation program and provider review program of the division of medical assistance.

(3) \$1,000,000 of the general fund--state appropriation and \$1,000,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the Washington state institute for public policy to continue to conduct a longitudinal study of public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(4) \$645,000 of the general fund--state appropriation and \$1,284,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for the purpose of an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(5) \$102,000 of the general fund--state appropriation and \$306,000 of the general fund--federal appropriation are provided solely for the department of social and health services and the employment security department for costs associated with the evaluation of the family independence program.

(6) \$137,000 of the general fund--state appropriation is provided solely for vendor rate increases for vendors providing services to the community services program, as specified in section 202 of this act.

(7)(a) \$668,000 of the general fund--state appropriation and \$518,000 of the general fund--federal appropriation are provided solely to continue the complaint backlog project to investigate and process backlogged public assistance and food stamp fraud complaints.

The department shall assign additional staff under this subsection with the goals of (i) eliminating the complaint backlog existing as of June 30, 1989, by March 1990, and (ii) maximizing overpayment recoveries during the biennium ending June 30, 1991.

(b) Expenditures for the purposes of this subsection shall be charged to a unique identifier in the department's accounting system. The department shall collect necessary data on the backlogged complaints and report to the legislative budget committee on December 1, 1989, and December 1, 1990, regarding the utilization, performance, and cost-effectiveness of the additional funding provided for complaint backlog work by this section.

Sec. 216. 1990 1st ex.s. c 16 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation--State	\$	((84,912,000))
		<u>87,878,000</u>
General Fund Appropriation--Federal	\$	((132,144,000))
		<u>149,026,000</u>
General Fund Appropriation--Private/Local	\$	269,000
Building Code Council Account Appropriation	\$	809,000
Public Works Assistance Account Appropriation	\$	933,000
Fire Service Training Account Appropriation	\$	750,000
State Toxics Control Account Appropriation	\$	519,000
Low Income Weatherization Account Appropriation	\$	13,000,000
Washington Housing Trust Fund Appropriation	\$	13,500,000
TOTAL APPROPRIATION	\$	((246,836,000))
		<u>266,684,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the general fund--state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. No portion of this amount may be expended for a grant without a match of an equal portion from nonstate sources. No organization shall be eligible for such a grant unless it has operated without a deficit for at least the previous two years. A maximum of \$200,000 of this appropriation may be expended for grants in any single county.

(2) \$200,000 of the general fund--state appropriation is provided solely for development of a state-wide food stamp assistance outreach program. No portion of this amount may be expended without a match of an equal amount from federal funds.

(3) \$8,500,000 of the general fund--state appropriation is provided solely for security costs associated with the goodwill games, subject to the following conditions and limitations:

(a) Of this amount, an initial allocation not greater than \$1,500,000 may be expended by the department to develop, in consultation with the Washington state patrol, local governments, the Seattle goodwill games organizing committee, and appropriate federal authorities, a coordinated security plan for the 1990 goodwill games. The security plan shall contain an assessment of the security requirements for the goodwill games; a definition of the policy goals; and a description of the roles and responsibilities of federal, state, and local agencies in preparing and implementing the plan. The plan shall contain a detailed security plan element for the athletes village and for each of the local event venues. The plan shall provide a detailed budget that outlines how federal, state, local government resources, and Seattle goodwill games organizing committee resources will be used to meet the financial requirements of the plan. The plan shall consider the experiences of other states in providing security for such events. The initial plan shall be completed no later than November 1, 1989, and shall be submitted to the appropriate committees of the legislature no later than January 8, 1990. Refinements to the security plan for the goodwill games may continue through July 15, 1990.

(b) Other than expenditures for developing the plan, no portion of the amount provided in this subsection may be expended unless the plan has been completed and the expenditure complies with the plan and with the following conditions and limitations:

(i) The department shall provide in full for the entire budget requirement from the amount provided in this subsection contained in the plan for the Washington state patrol.

(ii) No more than \$150,000 of the amount provided in this subsection may be expended for administration of the plan.

(iii) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(c) The remainder of the funds provided shall be allocated to local governments and other state entities on the basis of a recommendation from the Seattle goodwill games organizing committee. No portion of these funds may be provided for reimbursement until the Seattle organizing committee has provided the department with a written recommendation for distribution of the state appropriation. Local revenues lost and expenses for reducing normal workloads as a result of the goodwill games shall not be eligible for reimbursement from the general fund--state appropriation.

(d) Within, and not in addition to, the amount that otherwise would be allocated to the city of Tacoma for security purposes, \$25,000 shall be provided solely to the Washington state historical society for security costs incurred as a result of the goodwill games and related activities.

(e) The department shall present a final report to the house of representatives appropriations committee and the senate ways and means committee by June 1, 1990, detailing the amounts each jurisdiction will receive for security costs.

(f) No amount shall be expended for local governments prior to an agreement by the Seattle goodwill games organizing committee to contribute at least \$2,000,000 to local governments to help defray the costs of preparing and implementing the security plan. The agreement by the Seattle goodwill games organizing committee shall also indemnify the state from any liability resulting from the games.

(4) \$3,000,000 of the general fund--state appropriation is provided solely for grants to emergency shelters.

(5) \$526,000 of the general fund--state appropriation is provided solely for the department's emergency food assistance program.

(6) \$250,000 of the general fund--state appropriation is provided solely for providing representation to indigent persons in dependency proceedings under chapter 13.34 RCW.

(7) \$16,900,000 of the general fund--state appropriation is provided solely to increase the number of children enrolled in the early childhood education program.

(8) \$120,000 is provided solely for the department to provide grants to nonprofit organizations for the purpose of locating at least one additional reemployment center in areas of the state adversely impacted by reductions in timber harvested from federal lands. Each center shall provide direct and referral services to the unemployed. These services may include but are not limited to reemployment assistance, medical services, social services including marital counseling, mortgage foreclosure and utility problem counseling, drug and alcohol abuse counseling, credit counseling, and other services deemed appropriate. These services shall not supplant the on-going efforts of any reemployment centers existing on the effective date of this act. Not more than five percent of this amount may be used for administrative costs of the department.

(9) \$307,000 of the general fund--state appropriation is provided solely for the department to continue homeport activities.

(10) \$200,000 of the general fund--state appropriation is provided solely to assist Okanogan county with planning activities to address impacts associated with major tourism developments.

(11) \$75,000 of the general fund--state appropriation is provided solely for increased grants to public radio and television stations, consistent with RCW 43.63A.410 through 43.63A.420. In determining the allocation of grants to stations, the department shall strive to provide rural stations equitable access to these funds.

(12) \$200,000 of the general fund--state appropriation is provided solely for a pilot rural revitalization program.

(13) \$200,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington for development and continuation of the children's telecommunication project. \$50,000 of this amount is a one-time contribution to the project.

(14) \$375,000 of the general fund--state appropriation is provided solely to enhance the long-term care ombudsman program. Of this amount: (a) \$75,000 is provided solely to ensure adequate legal assistance to both residents of long-term care facilities and staff of the program; and (b) \$100,000 is provided solely to establish at least two additional service sites.

(15) \$100,000 of the general fund--state appropriation is provided solely as state support for the Washington state games. The amount provided in this subsection is contingent on the receipt of an equal amount from private sources.

(16) \$168,000 of the general fund--state appropriation is provided solely for equipment costs for the department's emergency operations center. The department shall develop and implement a plan to provide twenty-four hour-a-day access to the emergency operations center for local governments and other emergency management entities.

(17) \$10,000 of the general fund--state appropriation is provided solely for a grant to the Seattle children's museum to provide multicultural outreach programs to at-risk children in regional afterschool programs.

(18) \$260,000 of the general fund--state appropriation is provided to establish a system of early identification and referral to treatment of child victims of sexual assault or sexual abuse pursuant to section 1403, chapter 3, Laws of 1990.

(19) \$2,813,000 of the general fund--state appropriation is provided for grants to local programs and providers that aid victims of crime, pursuant to chapter 3, Laws of 1990, and for the crime victims advocacy office as recommended by the governor's task force on community protection. Of this amount: (a) Not more than \$53,000 shall be used for administration of the grant program; (b) \$260,000 is provided solely for the crime victims advocacy office; and (c) not more than \$53,000 may be expended for administration of the grant program.

(20) \$7,339,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$1,800,000 to local units of government to continue existing local drug task forces.

(b) \$2,609,000 to local units of government to expand local drug task forces.

(c) \$730,000 to the department of community development to expand the state-wide drug prosecution assistance program.

(d) \$370,000 to the department of social and health services, division of juvenile rehabilitation, for matching grants to local governments, communities, schools, and the private sector to help prevent young people from joining gangs. Any agreement for the use of a portion of these moneys shall require that an amount equal to at least forty percent of that portion, including in-kind contributions, be contributed from nonstate sources for the same purpose. No single agency may receive more than one grant during the biennium, and no grant may exceed \$100,000 in value, including the value of nonstate matching amounts.

(e) \$165,000 to the department of community development to provide resources for the design, coordination, and implementation of programs that will reduce drug and gang activities in low-income housing complexes. These programs shall be provided through local contractors, which may include low-income housing organizations and housing authorities.

(f) \$535,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of expanding existing domestic violence advocacy programs, to provide legal and other assistance to victims and witnesses in court proceedings, and to establish new domestic violence advocacy programs.

(g) \$500,000 to the Washington state patrol for support of new drug law enforcement task forces in Yakima and Lewis counties.

(h) \$150,000 to the Washington state patrol for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine lab with the department of ecology to ensure maximum effectiveness of the program.

(i) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(j) \$150,000 to the criminal justice training commission for narcotics enforcement training.

(k) \$180,000 to the department of community development for general administration of grants.

The department, in consultation with the governor's drug policy board, shall make recommendations to the governor concerning expenditure of moneys from the federal drug control and system improvement formula grant program for inclusion in the budget. The drug policy board shall consider chapter 271, Laws of 1989 as state policy for purposes of establishing spending priorities for federal antidrug funds.

(21) \$216,000 of the general fund--state appropriation is provided solely for juvenile court and detention costs resulting from Second Substitute Senate Bill No. 6610 (at-risk youth). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(22) \$200,000, of which \$120,000 is from the general fund--state appropriation and \$80,000 is from the general fund--federal appropriation, is provided solely for the department to develop a seismic safety program to assess and make recommendations regarding the state's earthquake preparedness. The department shall create a seismic safety advisory board to develop a comprehensive plan and make recommendations to the legislature for improving the state's earthquake preparedness. The plan shall include an assessment of and recommendations on the adequacy of communications systems, structural integrity of public buildings, including hospitals and public schools, local government emergency response systems, and prioritization of measures to improve the state's earthquake readiness. The department shall report to the senate and house of representatives committees on energy and utilities by December 1, 1991. An interim report shall be made to the committees by December 1, 1990.

(23) \$75,000 of the general fund--state appropriation is provided solely for planning new permanent displays of natural and cultural history and shall be transferred to the Thomas Burke Memorial Washington State Museum.

(24) \$9,200,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929. Of this amount: (a) \$7,400,000 is provided solely for grants to counties and cities; (b) \$1,000,000 is provided solely for the department to provide technical assistance and mediation assistance to local governments for the development and implementation of comprehensive plans; (c) \$550,000 is provided for grants to rural communities; and (d) \$250,000 is provided solely for the inventory and collection of data on public and private land use. If Engrossed Substitute House Bill No. 2929 is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(25) \$70,000 of the general fund--state appropriation is provided solely for the center for voluntary action to develop a strategic plan to foster citizen service in the state. The plan shall examine ways to utilize senior citizens in citizen service; coordinate the activities between community organizations, schools, higher education institutions, business, and government service programs; and make recommendations on programs to link volunteers to service opportunities among these organizations. This is intended as a one-time appropriation.

((28)) (26) \$2,000,000 of the housing trust fund appropriation is provided solely for housing assistance projects that benefit families with children, and \$200,000 of the housing trust fund appropriation is provided solely to implement a homelessness prevention pilot program. These amounts shall not be subject to all of the criteria for evaluation under RCW 43.185.070.

((29)) (27) \$10,000 of the general fund--state appropriation is provided solely for an international symposium to promote physical fitness.

Sec. 217. 1990 1st ex.s. c 16 s 227 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	..... \$	9,277,000
Public Safety and Education Account Appropriation--		
State	..... \$	((19,764,000))
		<u>13,764,000</u>
Public Safety and Education Account Appropriation--		
Federal	..... \$	2,000,000
Accident Fund Appropriation	..... \$	101,422,000
Electrical License Fund Appropriation	..... \$	12,408,000
Farm Labor Revolving Account Appropriation	..... \$	30,000
Medical Aid Fund Appropriation	..... \$	120,161,000
Asbestos Account Appropriation	..... \$	1,314,000
Plumbing Certificate Fund Appropriation	..... \$	696,000
Pressure Systems Safety Fund Appropriation	..... \$	1,476,000
Worker and Community Right-to-Know Fund		
Appropriation	..... \$	2,406,000
TOTAL APPROPRIATION	..... \$	((270,954,000))
		<u>264,954,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(6,596,793))~~ 4,765,000 from the accident fund appropriation and ~~\$(12,953,328))~~ 4,765,000 from the medical aid fund appropriation are provided solely for information systems projects named in this section. Authority to expend these funds is conditioned on compliance with section 802 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document image processing, improved service level, electronic data interchange, interactive system, and integrated system.

(2) \$216,000 of the worker and community right-to-know appropriation, \$575,000 of the accident fund appropriation, and \$101,000 of the medical fund appropriation are provided to fund the provisions of House Bill No. 2222 (chapter 380, Laws of 1989). If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.

(3) \$1,430,000 of the public safety and education account--state appropriation is provided solely for the crime victims' compensation fund, pursuant to chapter 3, Laws of 1990.

(4) \$78,000 from the accident fund appropriation and \$78,000 from the medical aid fund appropriation are provided solely to reimburse the legal services revolving fund for increased salary costs of existing attorney general staff.

(5) \$650,000 from the accident fund appropriation and \$650,000 from the medical fund appropriation are provided solely for a health evaluation program within the department to monitor new trends in worker illnesses and injuries.

(6) \$132,000 from the accident fund appropriation and \$23,000 from the medical fund appropriation are provided solely for the Worksafe 90 program, to reduce workplace accidents and illnesses.

Sec. 218. 1990 1st ex.s. c 16 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation--State	\$	((20,229,000))
		<u>20,297,000</u>
General Fund Appropriation--Federal	\$	5,988,000
General Fund Appropriation--Local	\$	7,802,000
TOTAL APPROPRIATION	\$	((34,019,000))
		<u>34,087,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$192,000 of the general fund--state appropriation is provided solely for services to treat post-traumatic stress disorder. Of this amount, \$20,000 is provided solely to maximize services to rural and minority veterans.

(2) \$68,000 of the general fund--state appropriation is provided solely to enhance counseling programs for posttraumatic stress disorder.

Sec. 219. 1990 1st ex.s. c 16 s 229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) The appropriations in this section and in section 232, chapter 299, Laws of 1990, shall be expended for the programs and in the amounts listed in the sections. However, unless specifically prohibited under this act, the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in the sections after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from appropriation levels and any deviation from the conditions and limitations.

(2) COMMUNITY SERVICES

General Fund Appropriation \$ 75,022,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) To the extent feasible, the department shall increase the daily board and room charges authorized under RCW 72.65.050 for work release participants to \$15.00.

(b) \$327,000 of the general fund appropriation is provided solely for polygraph and plethysmograph testing of individuals who have been convicted of a sex offense, and which is required as a condition of their release, as recommended by the governor's task force on community protection.

((2)) (3) INSTITUTIONAL SERVICES

General Fund Appropriation \$ 313,100,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$556,000 of the general fund appropriation is provided for offender population increases associated with increased penalties for residential burglaries established in Engrossed Senate Bill No. 5233. If the bill is not enacted by June 30, 1989, this amount shall lapse.

(b) \$172,000 of the general fund appropriation is provided solely to accommodate increased prison inmate populations as a result of the increased criminal penalties pursuant to chapter 3, Laws of 1990.

((d)) (c) \$1,107,000 of the general fund appropriation is provided solely to increase the number of sex offenders receiving treatment in the state correctional system, as recommended by the governor's task force on community protection. Specifically, during the 1989-91 biennium, the department shall expand the existing residential component of the sex offender treatment program from one hundred to two hundred beds, and the day treatment component from seventy to one hundred seventy beds.

((3)) (4) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	((24,081,000))
		<u>24,481,000</u>
Institutional Impact Account Appropriation	\$	332,000
TOTAL APPROPRIATION	\$	((24,413,000))
		<u>24,813,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

((a)) \$49,000 of the general fund appropriation is provided to develop computer link-ups with the Washington state patrol to permit access to information on offenders, as recommended by the governor's task force on community protection.

((4)) (5) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	2,622,000
Sec. 220. 1990 1st ex.s. c 16 s 230 (uncodified) is amended to read as follows:		
FOR THE WASHINGTON BASIC HEALTH PLAN		
General Fund Appropriation	\$	((17,991,000))
		<u>13,768,000</u>

The appropriation in this section is subject to the following conditions and limitations: The plan may enroll up to ((25,000)) 20,000 individuals during the 1989-91 biennium.

Sec. 221. 1990 1st ex.s. c 16 s 231 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation--State	\$	129,000
General Fund Appropriation--Federal	\$	159,308,000
General Fund Appropriation--Local	\$	12,489,000
Administrative Contingency Fund		
Appropriation--Federal	\$	11,965,000
Unemployment Compensation Administration Fund		
Appropriation--Federal	\$	((118,169,000))
		<u>118,404,000</u>
Employment Service Administration Account		
Appropriation--Federal	\$	790,000
Employment Service Administration Account		
Appropriation--State	\$	6,823,000
Federal Interest Payment Fund Appropriation	\$	((2,100,000))
		<u>2,443,000</u>
TOTAL APPROPRIATION	\$	((311,773,000))
		<u>312,351,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$152,000 of the administrative contingency fund--federal appropriation and \$2,100,000 of the federal interest payment fund appropriation are provided solely for transfer through interagency agreement to the department of social and health services for family independence program employment services.

(2) The department shall provide job placement services for the department of natural resources' forest land management activities. These services shall include widely disseminating information on the availability of work on state forest lands and information

on the procedures for bidding on contracts for such work. Priority for these services shall be given to unemployed individuals who have been employed in the timber industry. The department shall record the number of unemployed timber workers who obtain employment through the department of natural resources' forest land management activities and shall report its findings to the governor and to the appropriate legislative committees on January 1, 1990, and January 1, 1991.

(3) \$228,000 of the administrative contingency fund--federal appropriation is provided solely to implement Substitute House Bill No. 2426 (unemployment insurance overpayments). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$200,000 of the administrative contingency fund--federal appropriation is provided solely for services to agricultural employers.

(5) \$109,000 of the administrative contingency fund--federal appropriation is provided solely for resource centers for the handicapped.

(6) \$370,000 of the administrative contingency fund--federal appropriation is provided solely for a pilot program integrating drug prevention and job training.

(7) \$160,000 of the administrative contingency fund--federal appropriation is provided solely for a pilot program to retrain rural dislocated timber and wood product workers.

(8) Authority to expend funds for the general unemployment insurance development effort (GUIDE) system is conditioned on compliance with section 802, chapter 19, Laws of 1989 1st ex. sess.

(9) \$235,000 of the unemployment compensation administration fund--federal appropriation is provided solely for payment of expenses in the administration of the state of Washington's unemployment compensation law and public employment offices from funds made available to this state under section 903 of the social security act, as amended, subject to the requirements of RCW 50.16.030. This amount shall not be spent for any other purpose.

Sec. 222. 1990 1st ex.s. c 16 s 232 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund Appropriation	\$	(9,367,000))
		<u>9,867,000</u>
Health Professions Account Appropriation	\$	1,541,000
State Toxics Control Account Appropriation	\$	1,048,000
Medical Test Site Licensure Account		
Appropriation	\$	244,000
<u>Hospital Commission Account Appropriation</u>	\$	58,000
<u>TOTAL APPROPRIATION</u>	\$	((12,200,000))
		<u>12,758,000</u>

The appropriations in this section shall be expended for the programs and in the amounts listed in this section. However, unless specifically prohibited under this section the department may transfer moneys among programs and among amounts provided under conditions and limitations listed in this section or transferred under chapter 9, Laws of 1989 1st ex. sess. after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviation from the appropriation levels and any deviation from the conditions and limitations.

The appropriations in this section are subject to the following conditions and limitations:

(1) \$130,000 of the general fund appropriation is provided solely to implement the health professional temporary substitute resource pool as required by Second Substitute Senate Bill No. 6418 (rural health care). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(2) \$109,000 of the health professions account appropriation is provided to develop a program to certify sex offender treatment providers pursuant to chapter 3, Laws of 1990.

(3) \$2,576,000 of the general fund appropriation is provided solely to implement Second Substitute Senate Bill No. 6191 (emergency medical services and trauma care system). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(4) \$120,000 of the general fund appropriation is provided solely to fund the cancer reporting network pursuant to Second Substitute House Bill No. 2077 (state-wide tumor registry). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(5) \$48,000 of the general fund appropriation is provided solely for food transport regulations pursuant to Substitute Senate Bill No. 6164 (food transport regulations). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

(6) \$205,000 of the general fund appropriation is provided solely for a chief of health statistics, chief of consumer assistance, and a chief of epidemiology.

(7) \$113,000 of the state toxics control account appropriation is provided solely to implement the provisions of Substitute House Bill No. 2906 (contaminated property). If the bill is not enacted by June 30, 1991, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund appropriation is provided for the costs of the commission on health care cost control and access pursuant to House Concurrent Resolution No. 4443.

NEW SECTION. Sec. 223. 1990 1st ex.s. c 16 s 210 & 1989 1st ex.s. c 19 s 209 (uncodified) are each repealed.

NEW SECTION. Sec. 224. 1990 1st ex.s. c 16 s 203 (uncodified) is repealed.

"PART III

NATURAL RESOURCES"

Sec. 301. 1990 1st ex.s. c 16 s 302 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation--State	\$	((61,296,000))
		<u>61,534,300</u>
General Fund Appropriation--Federal	\$	27,024,000
General Fund Appropriation--Private/Local	\$	432,000
Flood Control Assistance Account Appropriation	\$	3,852,000
Special Grass Seed Burning Research Account		
Appropriation	\$	81,000
Reclamation Revolving Account Appropriation	\$	474,000
Emergency Water Project Revolving Account		
Appropriation: Appropriated pursuant to		
chapter 1, Laws of 1977 ex. sess.	\$	389,000
Litter Control Account Appropriation	\$	((6,830,000))
		<u>7,040,000</u>
State and Local Improvements Revolving Account--		
Waste Disposal Facilities: Appropriated		
pursuant to chapter 127, Laws of 1972		
ex. sess. (Referendum 26)	\$	2,627,000
State and Local Improvements Revolving Account--		
Waste Disposal Facilities 1980: Appropriated		
pursuant to chapter 159, Laws of 1980		
(Referendum 39)	\$	1,286,000
State and Local Improvements Revolving Account--		
Water Supply Facilities: Appropriated pursuant		

to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	1,586,000
Stream Gaging Basic Data Fund Appropriation	\$	300,000
Vehicle Tire Recycling Account Appropriation	\$	6,494,000
Water Quality Account Appropriation	\$	3,161,000
Wood Stove Education Account Appropriation	\$	482,000
Worker and Community Right-to-Know Fund Appropriation	\$	285,000
State Toxics Control Account	\$	39,202,000
Local Toxics Control Account	\$	41,328,000
Water Quality Permit Account Appropriation	\$	7,135,000
Solid Waste Management Account Appropriation	\$	5,600,000
Underground Storage Tank Account Appropriation	\$	3,658,000
Hazardous Waste Assistance Account Appropriation	\$	2,317,000
TOTAL APPROPRIATION	\$	((215,839,000))
		<u>216,287,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,000 of the general fund--state appropriation is provided solely for costs associated with the development of a single headquarters building.

(2) \$1,010,000 of the general fund--state appropriation is provided solely as an enhancement to the water resources program.

(3) \$250,000 of the general fund--state appropriation is provided solely for the initial development of a cost accounting system. Authority to expend these funds is conditioned on compliance with the requirements set forth in section 802 of this act.

(4) In administering the auto emissions inspection and maintenance program, the department shall annually ensure compliance with the intent of RCW 70.120.170(4)(a). The department may expend not more than an amount equal to the amount collected from auto emissions inspections fees during the biennium ending June 30, 1991.

(5) In implementing chapter 90.76 RCW, the department shall use, to the greatest extent possible, local government and private sector expertise in meeting installation, closure, testing, and monitoring requirements. In consultation with the Washington pollution insurance program administrator, the department shall implement interim enforcement procedures for chapter 90.76 RCW by December 1, 1990. The interim enforcement procedures shall be consistent with the intent of both chapters 90.76 and 70.148 RCW, and shall be designed to encourage participation in the insurance program.

(6) The entire solid waste management account appropriation is contingent on enactment of Engrossed Substitute House Bill No. 1671. If the bill is not enacted by June 30, 1989, the solid waste management account appropriation and the amounts provided in subsections (7), (8), and (9) are null and void.

(7) \$1,000,000 of the solid waste management account appropriation is provided solely for assisting local governments in establishing the feasibility of food and yard waste composting.

(8) \$150,000 of the solid waste management account appropriation is provided solely for pilot projects to recycle disposable diapers.

(9) \$1,300,000 of the solid waste management account appropriation is provided solely to implement sections 6(2), 9, 13, 54, 96, 99, 102, and 104 of chapter 431, Laws of 1989 (Engrossed Substitute House Bill No. 1671).

(10) \$231,000 of the state toxics control account appropriation is provided solely for the office of waste reduction.

(11) \$200,000 of the general fund--state appropriation is provided solely for the purpose of implementing the Nisqually river management plan activities and projects outlined in the Nisqually river council report to the legislature dated December 1988. No

more than half of this amount may be spent until twenty percent of the total project costs have been provided as matching funds from private or other government participants represented on the Nisqually river council.

(12) \$2,654,000 of the state toxics control account appropriation is contingent on enactment of Engrossed House Bill No. 2168. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(13) \$389,000 of the emergency water project revolving account appropriation is provided solely for drought relief activities. If Substitute Senate Bill No. 5196 is enacted by June 30, 1989, \$321,000 of the amount provided in this subsection may be spent only if a drought order is issued pursuant to section 2, chapter 171, Laws of 1989 (Substitute Senate Bill No. 5196).

(14) \$427,000 of the state and local improvement revolving account--water supply facilities (Referendum 38) appropriation is provided solely for the implementation of Substitute House Bill No. 1397. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse.

(15) \$250,000 of the general fund--state appropriation is provided solely for oil and chemical spill activities in implementing legislative requirements regarding damage assessments and vessel financial responsibility.

(16) \$70,000 of the general fund--state appropriation is provided solely to implement Substitute Senate Bill No. 5174 (state hydropower plan).

(17) \$200,000 of the general fund--state appropriation is provided solely for the implementation of chapter 47, Laws of 1988.

(18) A maximum of \$750,000 of the state toxics control account appropriation may be spent for the cleanup of illegal drug labs.

(19) A portion of the state toxics control account appropriation is provided to complete the state hazardous waste planning effort as prescribed in chapter 70.105 RCW. This includes, but is not limited to, evaluation of existing standards, compliance and service, and evaluation of whether facilities are needed.

~~((21))~~ (20) The entire hazardous waste assistance account appropriation is provided solely to implement chapter 114, Laws of 1990 (Engrossed House Bill No. 2390, hazardous substances regulations).

~~((22))~~ (21) \$300,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2932 (water resource management). If the bill is not enacted by June 30, 1990, the hazardous waste assistance account appropriation shall lapse.

~~((23))~~ (22) \$7,000,000 of the state toxics control account appropriation is provided solely for the following three purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the costs of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

Of the amount provided in this subsection, \$1,500,000 is provided solely for the cleanup of hazardous waste sites resulting from leaking underground storage tanks.

~~((24))~~ (23) \$200,000 of the water quality account appropriation is provided solely for implementation of Substitute Senate Bill No. 6326 (Puget Sound water quality/shellfish production).

~~((26))~~ (24) \$250,000 of the wood stove education account appropriation is provided solely for the purpose of implementing chapter 128, Laws of 1990 (Substitute Senate Bill No. 6698, wood stove fee). Beginning July 1, 1990, and each calendar quarter thereafter for the biennium ending June 30, 1991, a portion of the amount

provided in this subsection shall be distributed to the activated air pollution authorities created under RCW 70.94.053. The distribution shall be based on a fraction. The numerator of the fraction shall be the population residing within each authority's jurisdiction. The denominator of the fraction shall be total state population. Population figures used to calculate this fraction shall be as determined by the office of financial management. Sixty-six percent of the fees collected under RCW 70.94.483 shall be multiplied by the fraction to determine the quarterly distribution to each activated air authority. In cases where an activated air authority does not exist, the department shall retain the amount which otherwise would be distributed to an authority. Moneys distributed to authorities and retained by the department may only be used for education and enforcement of the wood stove education program established under RCW 70.94.480.

((27)) (25) \$996,000 of the state toxics control account appropriation is provided solely for the implementation of chapter 116, Laws of 1990 (Engrossed Second Substitute Senate Bill No. 2494, oil/hazardous substance spills).

((28)) (26) \$268,000 of the state toxics control account appropriation is provided solely to identify and study water quality and public health concerns of the lower Columbia river, from its mouth to Bonneville Dam. Expenditure of this amount is contingent on the signing of an agreement by the department of ecology and the Oregon department of environmental quality. The agreement shall include, at a minimum, the following:

(a) A steering committee consisting of one representative from each state of at least the following: Local government, public ports, industry, environmental groups, Indian tribes, citizens-at-large, and commercial or recreational fishing interests. The steering committee shall also include one representative from the federal environmental protection agency;

(b) A process to incorporate public participation;

(c) A provision to report to the appropriate legislative standing committees on the status of the study on or before December 15 of each year; and

(d) A provision to make recommendations, by December 15, 1990, regarding the creation of an interstate policy body to develop and implement a plan to address water quality, public health, and habitat concerns of the lower Columbia river.

((29)) (27) \$29,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2929 (growth management). If the bill is not enacted by June 30, 1990, the amount provided in this subsection shall lapse.

Sec. 302. 1990 1st ex.s. c 16 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation--State	\$	41,332,000
General Fund Appropriation--Federal	\$	1,208,000
General Fund Appropriation--Private/Local	\$	822,000
Trust Land Purchase Account Appropriation	\$	((11,082,000))
		<u>11,696,000</u>
Winter Recreation Parking Account Appropriation	\$	348,000
ORV (Off-Road Vehicle) Account Appropriation	\$	173,000
Snowmobile Account Appropriation	\$	1,143,000
Public Safety and Education Account Appropriation	\$	10,000
Motor Vehicle Fund Appropriation	\$	1,100,000
TOTAL APPROPRIATION	\$	((57,218,000))
		<u>57,832,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$60,000 of the general fund--state appropriation is provided solely for a contract with the marine science center at Fort Worden state park.

(2) \$1,100,000 of the general fund--state appropriation is provided solely to implement Second Substitute Senate Bill No. 5372 (recreational boating).

(3) \$200,000 of the general fund--state appropriation is provided solely to meet the state parks and recreation commission responsibilities under the Suquamish Indian tribe and Point-No-Point treaty council shellfish management agreements.

(4) The commission shall prepare an updated plan for Fort Worden management and development. In updating the plan the commission shall: (a) Reevaluate the goals and objectives of the park, (b) examine current functions of the park including camping, day use, recreation activities, vacation housing, the conference center, and cultural arts programs, (c) determine how to provide reasonable opportunities for use of existing park facilities for all members of the public, and (d) propose alternatives to the current management approach. The commission shall submit the results to the appropriate committees of the legislature by October 1, 1990.

(5) \$614,000 of the trust land purchase account appropriation is provided solely to repair storm damage to state parks.

Sec. 303. 1990 1st ex.s. c 16 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation--State	\$	((46,192,500))
		<u>50,528,500</u>
General Fund Appropriation--Federal	\$	((639,000))
		<u>929,000</u>
General Fund Appropriation--Private/Local	\$	((12,000))
		<u>54,000</u>
ORV (Off-Road Vehicle) Account Appropriation--		
Federal	\$	3,266,000
Geothermal Account Appropriation--Federal	\$	16,000
Forest Development Account Appropriation	\$	((23,517,000))
		<u>25,517,000</u>
Survey and Maps Account Appropriation	\$	1,090,000
Natural Resources Conservation Area Stewardship		
Account Appropriation	\$	364,000
Aquatic Lands Enhancement Account Appropriation	\$	635,000
Landowner Contingency Forest Fire Suppression		
Account Appropriation	\$	2,119,000
Resource Management Cost Account Appropriation	\$	((69,577,000))
		<u>67,577,000</u>
Aquatic Land Dredged Material Disposal Site		
Account Appropriation	\$	536,000
State Toxics Control Account Appropriation	\$	399,000
TOTAL APPROPRIATION	\$	((148,362,500))
		<u>153,030,500</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$((4,654,000)) 8,854,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(2) \$2,297,000, of which \$372,000 is from the general fund--state appropriation, \$1,448,000 is from the resource management cost account appropriation, and \$477,000 is from the forest development account appropriation, is provided solely for information systems projects named in this subsection for which work will commence or continue in this biennium. Authority to expend these funds is conditioned upon compliance with the requirements set forth in section 802 of this act. For the purposes of this section, information systems projects shall mean the projects known by the following name or successor names: Department of natural resources revenue system.

(3) \$110,000 from the general fund--state appropriation is provided solely for a fire investigator.

(4) \$1,500,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(5) \$400,000 of the aquatic lands enhancement account appropriation is provided solely for conducting an inventory of state wetlands.

(6) \$122,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural area preserves.

(7) \$242,000 of the natural resources conservation area stewardship account appropriation is provided solely for operations and maintenance costs associated with natural resources conservation areas.

(8) No portion of these appropriations may be expended for spreading sludge on state trust lands without first completing an environmental impact statement with respect to the sludge spreading operations. \$75,000 of the resource management cost account appropriation is provided solely for the costs of the environmental impact statement performed pursuant to this subsection.

(9) The department shall contract for labor-intensive forest land management activities in areas of the state adversely impacted by reductions in timber sales from federal lands. Contracts provided for under this section shall be in addition to and shall not supplant or displace activities normally administered by the department. The department shall, to the extent feasible, offer the additional contracts in sizes that do not discourage participation by small enterprises. The department shall cooperate with the employment security department in disseminating information on forest land management contracts to unemployed individuals who have been employed in the timber industry, and others adversely affected by reductions in timber sales from federal lands. \$2,800,000 of the resource management cost account appropriation is provided solely for this purpose.

(10) \$125,000 of the general fund--state appropriation is provided solely to implement Engrossed Senate Bill No. 5364 or Engrossed House Bill No. 1249 (marine debris).

(11) Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund--state appropriation or such other funds as the state treasurer deems appropriate to the Clarke McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

(12) The department of natural resources, in cooperation with the United States forest service, other federal agencies, private timber landowners, and the University of Washington, shall conduct a timber and timber land inventory to provide the information needed to prepare an assessment of the timber supply in Washington state. The inventory shall be prepared in such a way that it may be updated periodically. The inventory shall include all state, private, county, federal, and commercial forest lands and shall include estimates on the acreage and volumes of timber withdrawn from harvest from lands such as parks, watersheds, and similar lands reserved for nontimber producing activities. \$1,000,000, of which \$750,000 is from the general fund--state appropriation, \$75,000 is from the forest development account appropriation, and \$175,000 is from the resource management cost account appropriation, are provided solely for the purposes of this subsection.

(13) \$163,000 of the general fund--state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for a timber supply study. The study shall identify the quantity of timber present now and

quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(14) \$1,351,000, of which \$608,000 is from the general fund--state appropriation, \$324,000 is from the forest development account appropriation, and \$419,000 is from the resource management cost account appropriation, is provided solely for costs related to forestry camp No. 1.

(15) \$6,500 of the general fund--state appropriation is provided solely to provide additional resources to subsidize amateur radio repeaters on trust lands.

(16) The department of natural resources shall sell approximately 800 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, but not less than \$833,000. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds.

(17) \$136,000 of the general fund--state appropriation is provided solely to implement forest practices reviews required under the state environmental policy act and the federal threatened and endangered species act.

Sec. 304. 1990 1st ex.s. c 16 s 311 (uncodified) is amended to read as follows:
FOR TIMBER LAND PURCHASES AND COMMON SCHOOL CONSTRUCTION
General Fund Appropriation \$ 100,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000,000 of this appropriation is provided to the state parks and recreation commission solely to acquire common school trust lands that have been identified in the commission's 1989 agreement with the department of natural resources as appropriate for state park use.

(2) The remainder of the appropriation shall be deposited in the school construction revolving fund, hereby created in the custody of the state treasurer. Funds shall be expended, without further appropriation, by the department of natural resources to acquire, in fee simple, common school trust lands lying west of the crest of the Cascade mountain range. Timber on these lands shall be commercially unsuitable for harvest due to economic considerations, good forest practices, or other interests of the state.

(3) ~~Lands and timber purchased~~ acquired at fair market value. For purposes of this appropriation, notwithstanding RCW 43.51.270, as to moneys addressed in subsection (1) of this section, the proceeds from the ((sale)) transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands except that no deduction shall be made for the resource management cost account under RCW 79.64.040. The proceeds from the ((sale)) transfer of the land under subsection (2) of this section shall be used by the department, without further appropriation, to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(4) The department shall attempt to maintain an aggregate ratio of 92:8 timber-to-land value in these transactions.

(5) Intergrant transfers, between common school and noncommon school trust lands of equal value, may occur, if the noncommon school trust land meets the criteria established by the department for selection of sites and if the exchange is in the interest of both trusts.

(6) Lands and timber purchased under subsection (2) of this section shall be managed under chapter 79.70 or 79.71 RCW as determined by the department of natural resources.

"PART V
EDUCATION"

Sec. 501. 1990 1st ex.s. c 16 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPOINTMENT (BASIC EDUCATION)

General Fund Appropriation \$ ((4,340,690,000))
4,355,350,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((419,407,000)) 419,450,000 of the general fund appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) Allocations for certificated staff salaries for the 1989-90 and 1990-91 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (e) and (f) of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (e) and (f) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 510 of this act;

(ii) Fifty-one certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students in grades four through twelve, excluding full time equivalent handicapped students ages nine and above;

(b) For the 1990-91 school year, an additional 1.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight;

(c) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(d)(i) On the basis of full time equivalent enrollment in vocational education programs approved by the superintendent of public instruction, other than skills center programs, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 17.5 full time equivalent vocational students in the 1989-90 school year and for each 17.075 full time equivalent students in the 1990-91 school year;

(ii) For skills center programs the allocation ratios shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(e) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(f) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(g) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(h) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(i) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1989-90 and 1990-91 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (e) through (i) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 19.80 percent in the 1989-90 school year and 19.85 percent in the 1990-91 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.32 percent in the 1989-90 school year and 17.37 percent in the 1990-91 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), (c), and (e) through (i) of this section, there shall be provided a maximum of \$6,355 per certificated staff unit in the 1989-90 school year and a maximum of \$6,654 per certificated staff unit in the 1990-91 school year.

(b) For nonemployee related costs associated with each certificated staff unit allocated under subsection (2)(d) of this section, there shall be provided a maximum of \$12,110 per certificated staff unit in the 1989-90 school year and a maximum of \$12,679 per certificated staff unit in the 1990-91 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$290 per year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1987-88 school year.

(8) The superintendent may distribute a maximum of ~~\$(9,925,000)~~ 9,829,000 outside the basic education formula during fiscal years 1990 and 1991 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of ~~\$(358,000)~~ 350,000 may be expended in fiscal year 1990 and a maximum of \$375,000 in fiscal year 1991.

(b) For summer vocational programs at skills centers, a maximum of \$1,321,000 may be expended in fiscal year 1990 and a maximum of \$1,599,000 may be expended in fiscal year 1991.

(c) A maximum of ~~\$(272,000)~~ 184,000 may be expended for school district emergencies.

(d) A maximum of \$6,000,000 is provided solely for the purchase of new and replacement vocational education equipment for use primarily in approved vocational-secondary and skill center programs. These moneys shall be allocated to school districts during the 1989-90 school year on the basis of full time equivalent enrollment in vocational programs.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 6.07 percent from the 1988-89 school year to the 1989-90 school year, and 7.0 percent from the 1989-90 school year to the 1990-91 school year.

(10)(a) The superintendent of public instruction shall revise personnel reporting systems to include information on grade level assignments of basic education certificated instructional staff, by grade level groupings of K-3, 4-6, and 7-12. The superintendent of public instruction shall collect such information from school districts beginning in the 1989-90 school year. School districts may submit supplemental information on changes in staffing levels after the initial personnel report for each school year. Staffing ratios calculated under this subsection may recognize additional staff reported, prorated by the number of months of employment during the academic year.

(b) For each school year, the funding provided under subsection (2)(a) of this section shall be based on a ratio of fifty-one certificated instructional staff per thousand students in kindergarten through grade three only if the district documents an actual ratio of at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students at those grade levels. For any school district documenting a lower ratio, the funding provided under this section shall be based on the district's actual K-3 ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.41.140(2)(c), if greater.

(c) School districts that had a ratio of fifty-one basic education certificated instructional staff per thousand students in kindergarten through grade three in the 1988-89 school year shall expand additional funding generated by the increase in staffing ratios provided in this section solely to improve staffing ratios in kindergarten through grade twelve.

(11) School districts shall use allocations for salaries and benefits generated under subsection (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-3 above fifty-one per thousand, or to employ classified instructional assistants assigned to K-3 basic education classrooms. However, a district that has achieved a ratio of fifty-three basic education certificated instructional staff per thousand full time equivalent students in grades K-3 may also use the allocation to employ additional basic education certificated instructional staff or classified instructional assistants in any grades K-12. School districts shall document to the superintendent of public instruction how the allocation was used and shall submit documentation on the number of classified instructional assistants employed in grades K-3 in the 1989-90 and 1990-91 school years. If a district uses moneys provided under subsection (2)(b) of this section for K-3 certificated instructional staff, these staff shall be excluded when determining the district's actual K-3 staffing ratio under subsection (10) of this section. A district shall be ineligible to receive allocations under subsection (2)(b) of this section unless the district documents to the superintendent of public instruction that its actual K-3 ratio under subsection (10) of this section for the 1990-91 school year is at least fifty-one full time basic education certificated instructional staff per thousand full time equivalent students. Districts may not use allocations provided under this subsection to supplant other moneys previously used to employ K-3 certificated instructional staff or K-3 classified instructional assistants. The superintendent of public instruction shall recover funding allocated under subsection (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified.

(12) Subsection (11) of this section does not apply in the 1990-91 school year to any school district that experienced in the 1989-90 school year an enrollment decline of greater than 1,000 full time equivalent students as compared to the 1988-89 school year. However, such a school district shall use allocations for salaries and benefits generated under subsections (2)(a)(ii) and (2)(b) of this section only to increase the district's ratio of basic education certificated instructional staff per thousand full time equivalent students in grades K-12 above the district's actual K-12 staffing ratio in the 1988-89 school year. The superintendent of public instruction shall recover funding allocated under subsections

(2)(a)(ii) and (2)(b) of this section if the district does not submit documentation showing that the funding was used for the purposes specified in this subsection.

(13) The additional moneys allocated due to the increase in the vocational-secondary staff ratio provided in subsection (2)(d) of this section shall be expended solely for expanded vocational-secondary programs approved by the superintendent of public instruction. Funds provided may be expended for extended day contracts. The percentage rate of indirect charges to vocational-secondary programs, in total, shall not exceed the state-wide average percentage rates of indirect charges in all other state-funded categorical programs.

Sec. 502. 1990 1st ex.s. c 16 s 504 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION
EMPLOYEE COMPENSATION INCREASES

General Fund Appropriation \$ ~~((221,451,000))~~
222,564,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12 by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1.

(b) Salary allocations for certificated administrative staff units and classified staff units shall be determined for each district by the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2)(a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of this section, "basic education certificated instructional staff" is defined as provided in RCW 28A.41.110.

(c) "LEAP Document 1" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on August 18, 1987, at 13:26 hours.

(d) "LEAP Document 1R" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed on March 29, 1990, at 11:00 hours.

(e) "LEAP Document 12" means the computerized tabulation of 1988-89 salary allocations for basic education certificated administrative staff and basic education classified staff and 1988-89 derived base salaries for basic education certificated instructional staff as developed on April 20, 1989, at 14:15 hours.

(f) The incremental fringe benefits factors applied to salary increases in this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(3) ~~\$((7,517,000))~~ 7,527,000 is provided solely to increase allocations for certificated administrative staff units provided under section 502 of this act, pursuant to

this subsection. For the 1989-90 and 1990-91 school years, the allocation for each certificated administrative staff unit shall be increased by 2.5 percent of the 1988-89 state-wide average certificated administrative salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(4) ~~\$(30,396,000)~~ 30,426,000 is provided solely to increase allocations for classified staff units provided under section 502 of this act, pursuant to this subsection. For the 1989-90 and 1990-91 school years, the allocation for each classified staff unit shall be increased by 4.0 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits. For the 1990-91 school year, the allocation for each classified staff unit shall be further increased by an additional 4.16 percent of the 1988-89 state-wide average classified salary shown on LEAP Document 12, multiplied by incremental fringe benefits.

(5) ~~\$(183,538,000)~~ 184,611,000 is provided solely to increase allocations for certificated instructional staff units provided under section 502 of this act, pursuant to this subsection:

(a) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1989-90 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (6) of this section, adjusted for incremental fringe benefits.

(b) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1989-90 school year shall be increased by 4.0 percent of the district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits.

(c) For any district with a derived base salary of \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's 1990-91 average certificated instructional staff allocation salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff on the state-wide salary allocation schedule established in subsection (7) of this section, adjusted for incremental fringe benefits.

(d) For any district with a derived base salary greater than \$17,600 on LEAP Document 12, the allocation for each certificated instructional staff unit in the 1990-91 school year shall be increased by the difference between:

(i) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section, adjusted for incremental fringe benefits; and

(ii) The district's salary allocation per certificated instructional staff unit computed under subsection (1)(a) of this section multiplied by the compounded increase provided in this subsection, adjusted for incremental fringe benefits. The compounded increase for each district shall be 7.12 percent, compounded by the percentage difference between the district's average staff mix factor for actual 1990-91 full time equivalent basic education certificated instructional employees computed using LEAP Document 1R and such factor for the same 1990-91 employees computed using LEAP Document 1.

(6)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1989-90 school year:

**1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45
0	18,304	18,798	19,311	19,823
1	18,981	19,494	20,025	20,574
2	19,677	20,208	20,757	21,361
3	20,409	20,958	21,526	22,166
4	21,159	21,745	22,331	23,008
5	21,946	22,551	23,155	23,887
6	22,770	23,374	24,015	24,802
7	23,612	24,234	24,893	25,735
8	24,472	25,131	25,809	26,724
9		26,065	26,779	27,731
10			27,767	28,792
11				29,890
12				
13				
14 or more				

**1989-90 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	21,471	22,532	21,471	22,770	23,887
1	22,276	23,356	22,276	23,612	24,765
2	23,100	24,216	23,100	24,491	25,681
3	23,942	25,113	23,942	25,388	26,632
4	24,839	26,047	24,839	26,321	27,621
5	25,754	27,017	25,754	27,310	28,627
6	26,706	28,005	26,706	28,316	29,689
7	27,694	29,048	27,694	29,360	30,787
8	28,719	30,128	28,719	30,440	31,940
9	29,781	31,245	29,781	31,574	33,112
10	30,879	32,398	30,879	32,746	34,338
11	32,032	33,588	32,032	33,954	35,601
12	33,222	34,833	33,222	35,217	36,919
13	34,448	36,114	34,448	36,516	38,292
14 or more		37,450	35,711	37,871	39,701

(b) As used in this subsection, "+(N)" means the number of credits earned since receiving the highest degree.

(7)(a) Pursuant to RCW 28A.41.112, the following state-wide salary allocation schedule for certificated instructional staff is established for basic education salary allocations for the 1990-91 school year:

**1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45
0	20,001	20,541	21,101	21,661
1	20,656	21,214	21,792	22,389
2	21,325	21,900	22,495	23,150

3	22,027	22,620	23,232	23,923
4	22,742	23,372	24,001	24,729
5	23,490	24,136	24,783	25,566
6	24,269	24,913	25,596	26,435
7	25,061	25,721	26,421	27,314
8	25,864	26,561	27,277	28,244
9		27,431	28,182	29,184
10			29,098	30,172
11				31,189
12				32,174
13				
14				
15 or more				

1990-91 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	23,461	24,621	23,980	25,780	26,940
1	24,242	25,417	24,708	26,561	27,736
2	25,034	26,245	25,469	27,353	28,563
3	25,840	27,104	26,242	28,159	29,423
4	26,696	27,995	27,048	29,015	30,314
5	27,565	28,916	27,885	29,884	31,235
6	28,464	29,849	28,754	30,783	32,168
7	29,393	30,831	29,633	31,712	33,150
8	30,352	31,842	30,563	32,671	34,161
9	31,341	32,882	31,502	33,660	35,201
10	32,358	33,950	32,491	34,677	36,269
11	33,423	35,047	33,508	35,742	37,366
12	34,516	36,189	34,566	36,835	38,508
13	35,636	37,359	35,659	37,955	39,678
14	36,762	38,573	36,786	39,154	40,892
15 or more					
	37,718	39,576	37,742	40,172	41,955

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters' degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1988-89 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.71.110.

(9) The salary allocation schedules established in subsections (6) and (7) of this section are for allocation purposes only. However, it is the legislature's intent to respond

to salary needs of many senior teachers who have not been receiving salary increments on either state or local salary schedules. The legislature and the public recognize the need to provide salary growth for these senior teachers in order to encourage them to continue teaching. School districts should target moneys generated by the additional seniority steps provided for state salary funding in the 1990-91 school year to senior certification instructional staff. By December 1, 1990, each school district shall submit to the superintendent of public instruction a statement signed by the district's board of directors explaining how the moneys generated by the additional seniority steps were used and whether these moneys were targeted to senior staff.

Sec. 503. 1990 1st ex.s. c 16 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ ((45,361,000))
45,791,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.1916 for certificated salaries and 1.1379 for classified salaries in the 1989-90 school year, and 1.1921 for certificated salaries and 1.1384 for classified salaries in the 1990-91 school year.

(2) A maximum of \$((15,010,000)) 15,190,000 is provided to implement salary increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 520 of this act shall be increased by \$16.04 per pupil for the 1989-90 school year and by \$48.08 per pupil for the 1990-91 school year.

(b) Learning assistance: The rates specified in section 521 of this act shall be increased by \$12.91 per pupil for the 1989-90 school year and by \$26.34 per pupil for the 1990-91 school year.

(c) Education of highly capable students: The rates specified in section 516 of this act shall be increased by \$9.50 per pupil for the 1989-90 school year and by \$28.49 per pupil for the 1990-91 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 508 of this act shall be increased by \$86.33 per full time equivalent student for the 1989-90 school year, and by \$240.15 per full time equivalent student for the 1990-91 school year.

(e) Pupil transportation: The rates provided under section 507 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1989-90 school year, and by \$1.35 per weighted pupil-mile for the 1990-91 school year.

(3) A maximum of \$((30,351,000)) 30,601,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program, section 510, and for state-supported staff in institutional education programs, section 515, and in educational service districts, section 512. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the percentage salary increases provided for basic education staff under section 503 of this act.

(4) While this section and section 509 of this act do not provide specific allocations for salary increases for school food services employees, nothing in this act is intended to preclude or discourage school districts from granting increases that are equivalent to those provided for other classified staff.

Sec. 504. 1990 1st ex.s. c 16 s 506 (uncodified) is amended to read as follows:
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL
 EMPLOYEE INSURANCE BENEFIT INCREASES**

General Fund Appropriation \$ ~~((25,695,000))~~
25,723,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$224.75 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b).

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff to a rate of \$239.86 per month, effective October 1, 1989, and to a rate of \$246.24 per month, effective September 1, 1990, as distributed pursuant to this section.

(3) A maximum of \$~~((20,465,000))~~ 20,468,000 may be expended to increase general fund allocations for insurance benefits for basic education staff units under section 502(5) of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(4) A maximum of \$~~((2,843,000))~~ 2,851,000 may be expended to increase insurance benefit allocations for handicapped program staff units as calculated under section 510 of this act by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(5) A maximum of \$~~((130,000))~~ 132,000 may be expended to increase insurance benefit allocations for state-funded staff in educational service districts and institutional education programs by \$15.11 per month beginning with October 1989, and by an additional \$6.38 per month beginning with September 1990.

(6) A maximum of \$~~((2,257,000))~~ 2,272,000 may be expended to fund insurance benefit increases in the following categorical programs by increasing annual state funding rates by the amounts specified in this subsection. For the 1989-90 school year, due to the October implementation, school districts shall receive eleven-twelfths of the annual rate increases specified effective October 1989. On an annual basis, the maximum rate adjustments provided under this section are:

(a) For pupil transportation, an increase of \$0.14 per weighted pupil-mile effective October 1, 1989, and an additional increase of \$0.06 per weighted pupil-mile effective September 1, 1990;

(b) For learning assistance, an increase of \$3.78 per pupil effective October 1, 1989, and an additional increase of \$1.59 per pupil effective September 1, 1990;

(c) For education of highly capable students, an increase of \$1.29 per pupil effective October 1, 1989, and an additional increase of \$0.54 per pupil effective September 1, 1990;

(d) For transitional bilingual education, an increase of \$2.44 per pupil effective October 1, 1989, and an additional increase of \$1.03 per pupil effective September 1, 1990;

(e) For vocational-technical institutes, an increase of \$10.05 per full time equivalent pupil effective October 1, 1989, and an additional increase of \$4.25 per full time equivalent pupil effective September 1, 1990.

(7) If Substitute House Bill No. 2230 (school employee benefit plans) is not enacted by June 30, 1990, increases under this section to be effective September 1, 1990, shall not be implemented and \$4,284,000 of the appropriation in this section shall lapse.

Sec. 505. 1989 1st ex.s. c 19 s 506 (uncodified) is amended to read as follows:
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--RETIREMENT
 CONTRIBUTIONS**

General Fund Appropriation \$ ~~((33,141,000))~~
34,921,000

The appropriation in this section is subject to the following conditions and limitations:

~~((1) \$13,056,000 for the teachers' retirement system and \$2,147,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.~~

~~(2) \$14,587,000 for the teachers' retirement system and \$3,351,000 for the public employees' retirement system, or so much thereof as may be necessary, shall be distributed to local districts to increase state retirement system contributions resulting from Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, the amounts provided in this subsection shall lapse.)~~ The appropriation in this section is for distribution to local districts to increase state retirement system contributions resulting from Engrossed Substitute House Bill No. 1322 (chapter 272, Laws of 1989) and Substitute Senate Bill No. 5418 (chapter 273, Laws of 1989).

Sec. 506. 1990 1st ex.s. c 16 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ~~((252,938,000))~~
253,500,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$22,695,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) A maximum of ~~\$((112,197,000))~~ 112,113,000 may be distributed for pupil transportation operating costs in the 1989-90 school year.

(3) A maximum of \$857,000 may be expended for regional transportation coordinators.

(4) A maximum of \$64,000 may be expended for bus driver training.

(5) For eligible school districts, the small fleet maintenance factor shall be funded at a rate of \$1.53 per weighted pupil-mile in the 1989-90 school year and \$1.60 per weighted pupil-mile in the 1990-91 school year.

Sec. 507. 1990 1st ex.s. c 16 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation--State \$ ~~((528,627,000))~~
530,403,000

General Fund Appropriation--Federal \$ 59,000,000

TOTAL APPROPRIATION \$ ~~((587,627,000))~~
589,403,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((48,101,000))~~ 48,122,000 of the general fund--state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1989-90 and 1990-91 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on March 25, 1989, at 13:45 hours.

(3) A maximum of \$527,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides

at Children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$272,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families. \$80,000 of the amount provided in this subsection is a one-time grant to replace lost federal support and maintain program continuity until other nonstate resources to support existing service levels can be identified.

(5) \$150,000 of the general fund--state appropriation is provided solely for development and implementation of a process for school districts to bill medical assistance for eligible services included in handicapped education programs, pursuant to Substitute House Bill No. 2014. If the bill is not enacted by June 30, 1989, the amount provided in this subsection shall lapse. \$50,000 of the amount provided in this subsection is solely for interagency reimbursement for administrative and planning costs of the department of social and health services. \$100,000 of the amount provided in this subsection is solely for contracts with educational service districts for development and implementation of billing systems.

(6) A maximum of \$1,500,000 of the general fund--state appropriation may be granted to school districts for pilot programs for prevention of learning problems established under section 13 of Engrossed Substitute House Bill No. 1444. A district's grant for a school year under this subsection shall not exceed:

(a) The total of state allocations for general apportionment and handicapped education programs that the district would have received for that school year with specific learning disabled enrollment at the prior school year's level; minus

(b) The total of the district's actual state allocations for general apportionment and handicapped education programs for that school year.

Sec. 508. 1989 1st ex.s. c 19 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account

Appropriation	\$ ((14,067,000))
	<u>14,095,000</u>

The appropriation in this section is subject to the following conditions and limitations: Not more than \$596,000 may be expended for regional traffic safety education coordinators.

Sec. 509. 1990 1st ex.s. c 16 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation	\$ ((95,844,000))
	<u>97,391,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$((95,844,000)) 97,391,000 is provided for state matching funds pursuant to RCW 28A.41.155.

Sec. 510. 1990 1st ex.s. c 16 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund Appropriation--State	\$ ((21,939,000))
	<u>22,228,000</u>
General Fund Appropriation--Federal	\$ 8,006,000
TOTAL APPROPRIATION	\$ ((29,945,000))
	<u>30,234,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,817,000 of the general fund--state appropriation is provided solely for the remaining months of the 1988-89 school year.

(2) \$11,374,000 of the general fund--state appropriation is provided solely for the 1989-90 school year, distributed as follows:

(a) \$3,377,000 is provided solely for programs in state institutions for the handicapped or emotionally disturbed. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$11,144 per full time equivalent student.

(b) \$3,883,000 is provided solely for programs in state institutions for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$6,750 per full time equivalent student.

(c) \$444,000 is provided solely for programs in state group homes for delinquent youth. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$5,344 per full time equivalent student.

(d) \$821,000 is provided solely for juvenile parole learning center programs. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$2,032 per full time equivalent student, and are in addition to moneys allocated for these students through the basic education formula established in section 502 of this act.

(e) \$2,849,000 is provided solely for programs in county detention centers. These moneys may be distributed for that school year at a maximum rate averaged over all of these programs of \$4,976 per full time equivalent student.

~~((3) Distribution of state funding for the 1990-91 school year shall be based upon the following overall limitations for that school year including expenditures anticipated for July and August of 1991:~~

~~(a) State funding for programs in state institutions for the handicapped or emotionally disturbed may be distributed at a maximum rate averaged over all of these programs of \$11,128 per full time equivalent student and a total allocation of no more than \$2,960,000 for that school year.~~

~~(b) State funding for programs in state institutions for delinquent youth may be distributed at a maximum rate averaged over all of these programs of \$6,761 per full time equivalent student and a total allocation of no more than \$3,712,000 for that school year.~~

~~(c) State funding for programs in state group homes for delinquent youth may be distributed in that school year at a maximum rate averaged over all of these programs of \$5,489 per full time equivalent student and a total allocation of no more than \$445,000 for that school year.~~

~~(d)) (3) State funding for juvenile parole learning center programs for the 1990-91 school year may be distributed at a maximum rate averaged over all of these programs of \$2,021 per full time equivalent student and a total allocation of no more than \$((816,000 for that school year)) 841,000, excluding funds provided through the basic education formula established in section 502 of this act.~~

~~((e) State funding for programs in county detention centers may be distributed at a maximum rate averaged over all of these programs of \$4,987 per full time equivalent student and a total allocation of no more than \$2,125,000 for that school year.))~~

(4) \$167,000 of the general fund--state appropriation is provided solely to maintain the increased teacher/student ratio for programs at mentally ill offender units within the state institutions for delinquent youth.

(5) Notwithstanding any other provision of this section, the superintendent of public instruction may transfer funds between the categories of institutions identified in subsection((s)) (2) ~~((and (3)))~~ of this section if the maximum expenditures per full time equivalent student for each category of institution are not thereby exceeded.

(6) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall

monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(7) The superintendent of public instruction shall conduct a study of institutional education programs, addressing the division of administrative and budgetary responsibilities between the school districts, the department of social and health services, and, in the case of county detention centers, the juvenile court administrators. The superintendent shall consult with the department of social and health services and the institutions in designing and conducting the study, and in developing recommendations. The study shall include recommendations on methods to improve communication, decision making, and cooperation among school district and institutional staff, as well as coordination of programs and responsiveness to student needs. The superintendent shall submit a report of the study to the legislature prior to December 1, 1990, including recommendations for legislative action and changes in administrative practices.

Sec. 511. 1990 1st ex.s. c 16 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ ((7,115,000))
7,059,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((532,000)) 479,000 is provided solely for distribution to school districts for the remaining months of the 1988-89 school year.

(2) Allocations for school district programs for highly capable students during the 1989-90 school year shall be distributed at a maximum rate of \$364 per student for up to one percent of each district's full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students during the 1990-91 school year shall be distributed at a maximum rate of \$364 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(4) A maximum of \$356,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

Sec. 512. 1990 1st ex.s. c 16 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ ((17,035,000))
18,753,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((1,521,000)) 1,518,000 is provided solely for the remaining months of the 1988-89 school year.

(2) The superintendent shall distribute funds for the 1989-90 and 1990-91 school years at a rate for each year of \$452 per eligible student.

Sec. 513. 1990 1st ex.s. c 16 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ ((71,839,000))
71,472,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$((5,847,000)) 5,533,000 is provided solely for the remaining months of the 1988-89 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1989-90 and 1990-91 school years at a maximum rate of \$389 per unit as calculated pursuant to this subsection. The number

of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

"PART VI
HIGHER EDUCATION"

Sec. 601. 1989 1st ex.s. c 19 s 616 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	((1,095,000))
		<u>1,136,500</u>

The appropriation in this section is subject to the following conditions and limitations: \$241,000 of the general fund appropriation is provided solely for planning and implementation of the maritime voyages exhibition.

"PART VII
SPECIAL APPROPRIATIONS"

Sec. 701. 1990 1st ex.s. c 16 s 701 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((4,300,000))
		<u>4,327,200</u>
General Fund Appropriation for public utility district excise tax distribution	\$	23,700,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	2,277,000
General Fund Appropriation for motor vehicle excise tax distribution	\$	70,000,000
General Fund Appropriation for local mass transit assistance	\$	((215,000,000))
		<u>229,017,450</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	2,200,000
General Fund Appropriation for Boating Safety/ Education and Law Enforcement Distribution	\$	((1,100,000))
		<u>350,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$	((90,000))
		<u>80,000</u>
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((19,900,000))
		<u>19,852,520</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distribution	\$	((316,000,000))

	<u>320,973,531</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$ 48,750,000
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$ ((96,200,000))
	<u>96,101,700</u>
Municipal Sales and Use Tax Equalization Account Appropriation	\$ ((37,200,000))
	<u>36,900,989</u>
County Sales and Use Tax Equalization Account Appropriation	\$ ((12,800,000))
	<u>12,924,165</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$ ((736,000))
	<u>836,000</u>
TOTAL APPROPRIATION	\$ ((850,253,000))
	<u>868,290,555</u>

Sec. 702. 1989 1st ex.s. c 19 s 704 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, INCLUDING ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account Appropriation	\$ 29,443,500
University of Washington Hospital Bond Retirement Fund 1975 Appropriation	\$ 1,171,600
Office-Laboratory Facilities Bond Redemption Fund Appropriation	\$ 273,700
Higher Education Bond Retirement Fund 1979 Appropriation	\$ 2,556,600
State General Obligation Bond Retirement Fund 1979 Appropriation	\$ ((9,249,000))
	<u>4,423,000</u>
Spokane River Toll Bridge Revolving Account Appropriation	\$ 882,100
TOTAL APPROPRIATION	\$ ((43,576,500))
	<u>38,750,000</u>

Sec. 703. 1989 1st ex.s. c 19 s 708 (uncodified) is amended to read as follows:
FOR THE GOVERNOR--EMERGENCY FUND
 General Fund Appropriation

\$ ((2,000,000))
2,200,000

The appropriation in this section is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

NEW SECTION. Sec. 704. A new section is added to chapter 16, Laws of 1990 1st ex.s. (uncodified) to read as follows:
FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, entities, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Wildlife Fund:
 - (a) John Clees, claim number SCG-90-03 \$ 7,500.00
 - (b) Joseph Lenton, Jr., claim number SCG-90-05 \$ 630.00
 - (c) Ralph Greenwood, claim number SCG-90-07 \$ 9,900.00
- (2) Reimbursement and settlement of all claims under RCW 9A.16.110 for loss of time, legal fees, or other expenses, including interest, in the defense of a criminal prosecution:
 - (a) John B. Olson, claim number SCJ-90-07 \$ 77,223.00
 - (b) Roy Simons, claim number SCJ-90-08 \$ 3,371.00
 - (c) Ted Hosey, claim number SCJ-90-06 \$ 4,861.00
 - (d) Lawrence Jones, claim number SCJ-90-13 \$ 3,327.00
 - (e) Jeffrey Strom, claim number SCJ-90-05 \$ 5,818.00
 - (f) Antony Katoe, claim number SCJ-90-08 \$ 20,581.00
 - (g) Connie Roseman, claim number SCJ-90-11 \$ 4,356.00
 - (h) Wesley Grow, claim number SCJ-90-16 \$ 3,446.00
 - (i) Greg Heil, claim number SCJ-90-18 \$ 3,375.00
 - (j) Larry E. Miller, claim number SCJ-91-4 \$ 8,236.00
 - (k) Jim Jones, claim number SCJ-91-5 \$ 1,550.00
 - (l) Charles Terrill, claim number SCJ-91-6 \$ 3,514.50
 - (m) Brian Davis, claim number SCJ-91-1 \$ 2,421.91
 - (n) Robert Henry, Kevin Ryan, and Ronnie Ryan, claim number SCJ-91-3 \$ 19,515.75
 - (o) Thea Veath, claim number SCJ-91-7 \$ 5,582.26
 - (p) Valerie Valdez, claim number SCJ-90-21 \$ 4,194.94
 - (q) Francis W. Rock, claim number SCJ-91-9 \$ 2,394.74
 - (r) Curtiss B. Fiechtner, claim number SCJ-91-8 \$ 4,951.35
 - (s) Michael A. Bognucci, claim number SCJ-91-2 ... \$ 1,797.58
 - (t) Gary & Beryle Murray, claim number SCJ-91-11 \$ 7,092.50
- (3) Department of Corrections, for reimbursement of political subdivisions of criminal justice expenses incurred in the 1987-89 fiscal biennium, pursuant to RCW 72.72.030 \$ 36,210.37
- (4) City of Seattle, in settlement of all claims relating to claim number SCO-89-12, including interest \$ 20,876.05
- (5) City of Yakima, in settlement of all claims relating to claim number SCO-89-12, including interest \$ 8,100.00
- (6) Employment Security Department, for payment in lieu of contributions with respect to benefits attributable to the Economic Development Board \$ 15,000.00
- (7) Office of the Attorney General, for payment of attorneys' fees and costs as ordered by the United States District Court for the Western District of Washington, case number C89-1587WD \$ 51,804.33

Sec. 705. 1990 1st ex.s. c 16 s 711 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

General Fund Appropriation: For transfer to the Institutional Impact Account	\$ ((332,536))
	<u>465,806</u>
General Fund Appropriation: For transfer to the Miscellaneous Fund--Tort Claims Revolving Fund.	\$ ((796,539))

6,843,651

Liquor Revolving Account Appropriation: For transfer to the Miscellaneous Fund--		
Tort Claims Revolving Fund	\$	160,000
Resource Management Cost Account Appropriation: For transfer to the Miscellaneous		
Fund--Tort Claims Revolving Fund	\$	45,911
Forest Development Account Appropriation: For transfer to the Miscellaneous Fund--Tort		
Claims Revolving Fund	\$	36,220
General Government Special Revenue Fund--State Treasurer's Service Account		
Appropriation: For transfer to the general fund on or before July 20, 1991, an		
amount up to \$10,000,000 in excess of the cash requirements in the State		
Treasurer's Service Account for fiscal year 1992, for credit to the fiscal year in		
which earned	\$	10,000,000
General Fund Appropriation: For transfer to the		
Natural Resources Fund--Water Quality		
Account		((15,378,000))
		<u>16,519,200</u>
Data Processing Revolving Account: For transfer		
to the General Fund	\$	2,400,000
Public Facilities Construction Loan and Grant		
Revolving Fund: For transfer to the		
General Fund	\$	2,400,000
Public Facility Construction Loan Revolving Account:		
For transfer to the Public Facilities		
Construction Loan and Grant Revolving		
Account		430,000
Public Facilities Construction Loan and Grant Revolving Account: For transfer to the		
Economic Development Finance Authority Account contingent on an equal amount		
being transferred from the Public Facility Construction Loan Revolving Account to		
the Public Facilities Construction Loan and Grant Revolving Account. If the		
transfer to the Public Facilities Construction Loan and Grant Revolving Account		
does not occur, the transfer to the Economic Development Finance		
Authority Account shall not occur	\$	430,000
Puget Sound Ferry Operations Account: For transfer to the Tort Claims Revolving Fund		
for claims paid on behalf of the department of transportation, Washington state ferry		
system during the period July 1, 1989, through		
June 30, 1991	\$	1,353,000
Motor Vehicle Fund: For transfer to the Tort Claims Revolving Fund for claims paid on		
behalf of the department of transportation and the state patrol during the period July		
1, 1989, through June 30, 1991	\$	14,000,000
Resource Cost Management Cost Account: For		
transfer to the University of Washington		
Bond Retirement Account	\$	15,000,000
Resource Management Cost Account: For transfer to the Agricultural College Permanent		
Account, the Normal School Permanent Account, and the University of Washington		
Bond Retirement Account a maximum of \$20,000,000. The distribution of the		
transfer to these beneficiary accounts will be determined by the department of		
natural resources	\$	20,000,000
Water Quality Account Appropriation: For transfer to the water pollution revolving fund.		
Transfers shall be made at intervals coinciding with deposits of federal		
capitalization grant money into the revolving fund. The amounts transferred shall		
not exceed the match required for each federal deposit . . .	\$	((15,800,000))
		<u>9,836,827</u>

Building Code Council Account Appropriation:

For transfer to the General Fund	\$	210,000
General Fund Appropriation, FY 1991: For transfer to the law enforcement officers' and fire fighters' retirement system as provided in Substitute Senate Bill No. 5418. If the bill is not enacted by June 30, 1989, this appropriation shall lapse	\$	60,267,000
Conservation Areas Account: For transfer to the Natural Resources Conservation Area Stewardship Account	\$	2,832,000

"PART VIII

MISCELLANEOUS"

NEW SECTION. Sec. 801. This act is subject to the provisions, definitions, conditions, and limitations of chapter 19, Laws of 1989 1st ex. sess., as amended by chapter 16, Laws of 1990 1st ex. sess. and this act.

NEW SECTION. Sec. 802. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 803. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Representatives Locke and Silver spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Locke to the title was adopted:

On page 1, line 3 of the title, after "1991;" strike the remainder of the title and insert "amending 1990 1st ex.s. c 16 ss 105, 106, 108, 109, 111, 112, 114, 118, 119, 121, 122, 124, 128, 202, 205, 206, 207, 208, 209, 211, 212, 213, 216, 217, 218, 220, 221, 225, 227, 228, 229, 230, 231, 232, 302, 303, 309, 311, 502, 504, 505, 506, 507, 509, 510, 511, 512, 515, 516, 701, 711 (uncodified); amending 1989 1st ex.s. c 19 ss 113, 133, 201, 506, 511, 616, 704, 708 (uncodified); amending 1990 c 299 s 202 (uncodified); adding a new section to 1990 1st ex.s. c 16 (uncodified); repealing 1990 1st ex.s. c 16 s 210 and 1989 1st ex.s. c 19 s 209 (uncodified); repealing 1990 1st ex.s. c 16 s 203 (uncodified); making appropriations; providing an effective date; and declaring an emergency."

The bill was ordered engrossed. On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Locke spoke in favor of passage of the bill.

POINT OF ORDER

Ms. Miller: Thank you, Mr. Speaker. I think that we ought to stick to the subject of the supplemental budget, which we are voting on. We have agreed to this; we have had our caucuses on it; and I don't think there is any reason to impugn the motives of members on the other side of the rotunda. I would recommend that we continue to cover what is in the supplemental budget. Then we can vote.

SPEAKER'S RULING

The Speaker: You are quite right, Representative Miller. We should focus on this Chamber.

Mr. Locke continued his remarks in favor of the bill.

POINT OF ORDER

Mr. Ebersole: Mr. Speaker, the Chairman of the Committee on Appropriations has yet again referred to the motives of the members on the other side of the rotunda. I would ask you to ask the speaker to stick with the substance of the matter before us.

SPEAKER'S RULING

The Speaker: Your point is well taken, Representative Ebersole. Please address this body and ignore the actions of the other body, Representative Locke.

Mr. Locke concluded his remarks in favor of the bill, and Representatives Silver and Ballard spoke in favor of it.

SPEAKER'S ADMONISHMENT

The Speaker: Your very able Floor Leader has reminded us that our job here is to speak to the matter before us and that is the content of the supplemental budget. We refuse to allow members on both sides of the aisle to stray from that subject. Please continue, but please contain your remarks to the matter before us.

Mr. Ballard concluded his remarks in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1331, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betzoff, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representative Sprengle - 01.

Excused: Representatives Braddock, Dellwo, Fuhrman, Moyer, Phillips, Rust - 06.

Engrossed House Bill No. 1331, having received the constitutional majority, was declared passed.

The Speaker called on Representative R. Meyers to preside.

HOUSE BILL NO. 2206, by Representative H. Sommers

Adopting the supplemental capital budget.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Ballard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2206, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representative Sprenkle - 01.

Excused: Representatives Braddock, Dellwo, Fuhrman, Moyer, Phillips, Rust - 06.

House Bill No. 2206, having received the constitutional majority, was declared passed.

On motion of Mr. Dorn, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 3:00 p.m. The clerk called the roll and all members were present.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. O'Brien presiding) called the House to order.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Wang, the House adjourned until 1:00 p.m., Friday, June 14, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

FIFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, June 14, 1991

The House was called to order at 1:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Beck, Bray, Dorn, Fuhrman, Hochstatter, R. King, R. Meyers, Moyer, Rust, Schmidt, H. Sommers, Sprenkle, Van Luven and Wilson. On motion of Mr. Vance, Representatives Beck, Fuhrman, Hochstatter, Moyer, Schmidt, Van Luven and Wilson were excused. On motion of Ms. Cole, Representatives Appelwick, Bray, Dorn, R. King, R. Meyers, Rust, H. Sommers and Sprenkle were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Rich and Anuhea Martin. Prayer was offered by The Reverend Charles Leps, Minister of Gloria Dei Lutheran Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

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

INTRODUCTIONS AND FIRST READING

HB 2215 by Representatives Scott, Ferguson, Haugen and R. King

AN ACT Relating to limited waiver of the one hundred six percent limitation; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Local Government.

HB 2216 by Representatives Jones, Lisk, Heavey and Vance

AN ACT Relating to industrial insurance payments; and amending RCW 51.32.050.

Referred to Committee on Commerce & Labor.

HB 2217 by Representatives Valle, Winsley, Peery, Hine, Pruitt, Ebersole, Riley, Fraser, Rasmussen and Phillips

AN ACT Relating to educators; amending RCW 28A.410.090, 28A.410.100, and 28A.410.110; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 42.17 RCW; adding new sections to chapter 43.131 RCW; adding new sections to chapter 28B.20 RCW; and creating new sections.

Referred to Committee on Education.

HB 2218 by Representatives Rasmussen, Dorn, Wang, Holland, Kremen, Jacobsen, Fraser, Riley, Rayburn, Tate, Broback, Mielke, Casada, Brumsickle, Winsley, Heavey, Spanel, Pruitt, Sheldon, G. Fisher, Ogden, Prentice, Morris, Ludwig, Jones, R. Johnson, Phillips, Franklin and Anderson

AN ACT Relating to the use of moneys in the state lottery account; amending RCW 67.70.040 and 67.70.240; and declaring an emergency.

Referred to Committee on Revenue.

HB 2219 by Representatives Nelson, Wang, Heavey, Van Luven, Cole, Franklin, Prentice, Valle, Brekke and Anderson

AN ACT Relating to termination of tax preferences; creating new sections; and declaring an emergency.

Referred to Committee on Revenue.

HB 2220 by Representatives Ebersole, Wang, Heavey, Cole, Jacobsen, Jones, Nelson, Franklin, Belcher, Cantwell, Anderson, Leonard, Spanel, Inslee, Pruitt, O'Brien, Prentice, Brekke, Peery, Appelwick and Wineberry

AN ACT Relating to leave from employment for family responsibilities; amending RCW 49.78.010, 49.78.020, 49.78.030, 49.78.040, 49.78.050, 49.78.070, and 49.78.130; adding a new section to chapter 49.12 RCW; adding new sections to chapter 49.78 RCW; repealing RCW 49.78.060 and 49.78.210; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Mr. Wang, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

MESSAGE FROM THE SENATE

June 14, 1991

Mr. Speaker:

The Senate has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
ENGROSSED SENATE BILL NO. 5960,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4705, by Representatives Ebersole, Wang, Pruitt, Jacobsen, Mitchell, Broback, Winsley, Dorn, Franklin, Rasmussen, Brough, Casada and Tate

WHEREAS, Providing educational opportunities for all interested citizens is an important priority of state government; and

WHEREAS, Branch campuses have been established in communities throughout the state to bring public higher education institutions closer to more citizens; and

WHEREAS, The University of Washington has established a branch campus in Tacoma to help meet higher education requirements within the South Puget Sound region; and

WHEREAS, The University of Washington-Tacoma Branch Campus began operations in the fall of 1990, with enrollment steadily increasing to approximately four hundred full-time students planned for the 1991-92 school year; and

WHEREAS, The first graduating class of the University of Washington-Tacoma Branch Campus will graduate on Friday, June 14, 1991; and

WHEREAS, Patti Saunders, Shelle Barnes, Michael Boyte, Charles "Kelly" Creso, and Manuel Sunday are the first students to graduate from this new institution of higher learning; and

WHEREAS, Many students will follow in the steps of these graduates and will help to build a tradition and reputation of excellence for the University of Washington-Tacoma Branch Campus;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives acknowledge and honor these five graduates for their hard work, outstanding commitment, and willingness to be part of the legacy of this new institution; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the University of Washington-Tacoma Branch Campus.

Mr. Ebersole moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4705 was adopted.

HOUSE RESOLUTION NO. 91-4706, by Representatives Morton and Fuhrman.

WHEREAS, The Riverside School District won the 1991 Weyerhaeuser "Excellence in Recycling" Award along with a check for ten thousand dollars; and

WHEREAS, The two hundred forty-two staff and one thousand eight hundred students of Riverside were judged number one in the state for making recycling and waste reduction an integral part of their daily operations; and

WHEREAS, The school district has reduced its total waste volume by twelve cubic yards in one year, which is a twenty-four percent reduction; and

WHEREAS, This program added five thousand one hundred dollars per annum to the district budget by making a cost savings of three thousand dollars and increasing revenue by two thousand one hundred dollars; and

WHEREAS, The district has an aggressive program of energy conservation that resulted in a fifty-four percent cost savings to the district despite a forty-three percent increase in square footage; and

WHEREAS, The district has eliminated use of styrofoam lunch trays, recycles tin and aluminum cans and cardboard, has members of each class sort paper by white and mixed paper, composts all yard wastes, and collects waste oil, degreasers, solvents, and antifreeze for recycling, and students have a "recycled" school bus for daily collection of recyclables; and

WHEREAS, The district is demonstrating to young people that they can affect the future by teaching students to recycle with the learn-by-doing method;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend the Riverside School District for establishing an action program of recycling and energy conservation and congratulate the staff and students for implementing the winning comprehensive waste management policy and program in Washington state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to teachers Greg Minden and Jim Arras, staff members of the schools' special projects program, Jerry M. Wilson, Riverside School District Superintendent, and the principals of each participating school.

Mr. Morton moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4706 was adopted.

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

INTRODUCTIONS AND FIRST READING

2ESSB 5395 by Senate Committee on Ways & Means (originally sponsored by Senators McDonald, Niemi, Conner, Rasmussen, Bauer and Erwin; by request of Governor Gardner)

Making supplemental appropriations for the 1989-91 biennium.

ESB 5960 by Senator McDonald

Relating to the capital budget.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and Reengrossed Substitute Senate Bill No. 5395 was advanced to second reading and read the second time in full.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke, Silver and Ebersole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 5395, and the bill passed the House by the following vote: Yeas - 83, Nays - 0, Absent - 0, Excused - 15.

Voting yea: Representatives Anderson, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 83.

Excused: Representatives Appelwick, Beck, Bray, Dorn, Fuhrman, Hochstatter, King, R., Meyers, R., Moyer, Rust, Schmidt, Sommers, H., Sprengle, Van Luven, Wilson - 15.

Reengrossed Substitute Senate Bill No. 5395, having received the constitutional majority, was declared passed.

Representative Schmidt appeared at the bar of the House.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Engrossed Senate Bill No. 5960 was advanced to second reading and read the second time in full.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Rasmussen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5960, and the bill passed the House by the following vote: Yeas - 83, Nays - 1, Absent - 0, Excused - 14.

Voting yea: Representatives Anderson, Ballard, Basich, Belcher, Betrozoff, Bowman, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Spanel, Tate, Valle, Vance, Wang, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representative Braddock - 01.

Excused: Representatives Appelwick, Beck, Bray, Dorn, Fuhrman, Hochstatter, King, R., Meyers, R., Moyer, Rust, Sommers, H., Sprengle, Van Luven, Wilson - 15.

Engrossed Senate Bill No. 5960, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Ebersole, House Bill No. 1103 was referred from Committee on Appropriations to Committee on Higher Education.

On motion of Mr. Ebersole, House Bill No. 2213 was referred from Committee on Appropriations to Committee on Revenue.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

June 14, 1991

Mr. Speaker:

The President has signed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
ENGROSSED SENATE BILL NO. 5960,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5395,
ENGROSSED SENATE BILL NO. 5960.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ludwig, the House adjourned until 1:00 p.m., Monday, June 17, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

EIGHTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, June 17, 1991

The House was called to order at 1:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joe Richardson and Kelly Shriver. Prayer was offered by The Reverend Spencer Thomas, Jr., Pastor of Washington Park Baptist Church of Seattle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

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

INTRODUCTIONS AND FIRST READING

HB 2221 by Representatives Bowman, Basich, Wynne, Sheldon, Schmidt, Heavey, Neher, Rasmussen, Chandler, Valle, D. Sommers, Zellinsky, Edmondson, Jones, Tate, Ludwig, Ballard, Bray, Prince, Prentice, O'Brien, May, Haugen, Broback, Nealey, Winsley, Beck, Ferguson, Van Luven, Horn, Lisk, Mielke, Casada, Forner, P. Johnson, Hochstatter, Morton, Holland, Padden, Betrozoff, Wineberry, Mitchell, Inslee, Ogden, Grant, Nelson, Cantwell, Belcher, Peery, Roland, Jacobsen, Locké, Cole, G. Fisher, Cooper, H. Myers, Dorn, Brumsickle, Vance, R. Meyers, Appelwick, Scott, Orr, R. King, Morris, Wang, Hine, R. Johnson, Riley, Leonard, Pruitt, Day, Paris, Wood, Brekke, McLean, R. Fisher, Spanel, Wilson, Miller, Silver, Ebersole, Franklin, Kremen, Rayburn, Anderson, Fuhrman, Sprengle, Fraser, Moyer, Phillips, Hargrove and Brough

AN ACT Relating to purple heart recipient recognition day; and amending RCW 1.16.050.

Referred to Committee on State Government.

HB 2222 by Representatives Wang, Cole, Leonard, Brekke, Valle, Orr, Prentice, Nelson, Pruitt and Jones

AN ACT Relating to public disclosure of taxes paid by publicly held corporations; amending RCW 82.32.045 and 82.32.330; and creating a new section.

Referred to Committee on Revenue.

HB 2223 by Representatives Wang, Morris, Phillips, Locke, Belcher, Spanel, Fraser, Brekke, Cole, Valle, Leonard, Ogden, Ebersole, Nelson, Prentice, Jacobsen, Pruitt, Braddock and Anderson

AN ACT Relating to tax reform; amending RCW 48.32A.090, 82.04.050, 82.04.080, 82.04.190, 82.04.300, 82.04.390, 82.04.4281, 82.04.4292, 82.04.4293, 82.08.020, 82.16.040, and 82.16.050; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 48.32.145, 82.04.315, 82.04.4287, 82.08.0276, 82.08.0311, 82.12.0263, 82.12.0271, 82.12.0272, and 82.12.0311; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 2224 by Representatives Wang, Holland, Fraser, Winsley, G. Fisher, Betzoff, Leonard, Vance, Rasmussen, Lisk, Orr, Ogden, Ebersole, Pruitt, Jones, Neher, Kremen, Ludwig, Hine, Morton, Ferguson, Forner, Locke, Paris, Sheldon, Zellinsky, Mielke, Van Luven, Basich, Prentice, Spanel, Haugen and Anderson

AN ACT Relating to dedication of support of the common schools; amending RCW 67.70.040 and 67.70.240; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

MOTION

On motion of Mr. Wang, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

MESSAGE FROM THE SENATE

June 17, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,
SENATE BILL NO. 5150,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,
 SENATE BILL NO. 5444,
 SENATE BILL NO. 5988,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

SENATE AMENDMENTS TO HOUSE BILL

June 14, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1993, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Emerg Water Proj Rev Acct" means State Emergency Water Project Revolving Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

- "L & I Constr Acct" means Labor and Industries Construction Account;
- "LIRA" means State and Local Improvement Revolving Account;
- "LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;
- "LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;
- "LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;
- "LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;
- "LIRA, Water Sup Fac" means State and Local Improvement Revolving Account--Water supply facilities;
- "Lapse" or "revert" means the amount shall return to an unappropriated status;
- "Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;
- "ORA" means Outdoor Recreation Account;
- "ORV" means off road vehicle;
- "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;
- "Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;
- "Public Safety and Education Acct" means Public Safety and Education Account;
- "Res Mgmt Cost Acct" means Resource Management Cost Account;
- "Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;
- "St Bldg Constr Acct" means State Building Construction Account;
- "St Fac Renew Acct" means State Facilities Renewal Account;
- "St H Ed Constr Acct" means State Higher Education Construction Account;
- "State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;
- "TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;
- "UW Bldg Acct" means University of Washington Building Account;
- "Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;
- "WA St Dev Loan Acct" means Washington State Development Loan Account;
- "WSP Constr Acct" means Washington State Patrol Construction Account;
- "WSP Highway Acct" means Washington State Patrol Highway Account;
- "WSU Bldg Acct" means Washington State University Building Account;
- "WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**"PART 1
GENERAL GOVERNMENT"**

NEW SECTION. Sec. 3. FOR THE OFFICE OF THE SECRETARY OF STATE

- (1) Northwest Washington Regional Branch Archives: To design and construct the northwest Washington regional branch archives (90-1-003)

Reappropriation:	
St Bldg Constr Acct	\$ 2,839,000
Appropriation:	
St Bldg Constr Acct	\$ 360,000

Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,399,000

- (2) Olympia Archives Building: To acquire and install moveable shelving in the Olympia archives building (92-2-005)

Appropriation:		
St Bldg Constr Acct	\$	60,800
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	60,800

- (3) Birch Bay: To replace the roof and doors at the Birch Bay essential storage site (92-3-003)

Appropriation:		
St Bldg Constr Acct	\$	22,200
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	22,200

- (4) Puget Sound Regional Branch Archives: To preplan renovations and begin initial repair of a building adjacent to the existing Puget Sound branch archives (92-5-002)

Appropriation:		
St Bldg Constr Acct	\$	52,400
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	500,000

TOTAL	\$	552,400

NEW SECTION. Sec. 4. FOR THE COURT OF APPEALS

Washington State Court of Appeals Courthouse, Spokane: To upgrade the heating-ventilation-air conditioning system and convert a supply room into a secure vault for storage of court records and evidence

Appropriation:		
St Bldg Constr Acct	\$	236,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	236,000

NEW SECTION. Sec. 5. FOR THE OFFICE OF FINANCIAL MANAGEMENT

- (1) Local jail facilities (88-2-001)

Reappropriation:		
St Bldg Constr Acct	\$	308,000

Prior Biennia (Expenditures)	\$	2,692,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,000,000

(2) For environmental cleanup related to underground storage tanks

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection (2) shall be allocated to the agencies and institutions of the state for environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection (2) or in any subsection specifically referencing this subsection (2) may be expended unless the office of financial management has reviewed and approved the cost estimates for the project.

Appropriation:

St Bldg Constr Acct	\$	3,579,000
CEP & RI Acct	\$	390,000
For Dev Acct	\$	37,000
Res Mgmt Cost Acct	\$	118,000

Subtotal Appropriation	\$	4,124,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	-----0-
TOTAL	\$	4,124,000

(3) For asbestos removal or abatement projects

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection (3) shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

(b) No moneys appropriated in this subsection (3) or in any subsection specifically referencing this subsection (3) may be expended unless the asbestos removal or abatement project is required by an order of a court of competent jurisdiction or required by federal law or regulation.

Reappropriation:

St Bldg Constr Acct	\$	3,860,000
CEP & RI Acct	\$	25,000

Subtotal Reappropriation	\$	3,885,000

Appropriation:

St Bldg Constr Acct	\$	9,578,000
CEP & RI Acct	\$	540,000

Subtotal Appropriation	\$	10,118,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	14,013,000

(4) Higher education: Branch campuses site acquisition and development (90-5-002)

The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

The appropriations in this section are subject to the following conditions and limitations:

(a) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

(b) The appropriation in this subsection shall not be expended for land acquisition in the Spokane area until an environmental study has been completed that indicates the property is free of toxic substances.

(c) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct	\$	31,301,667
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Appropriation:

St Bldg Constr Acct	\$	31,000,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	109,000,000
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TOTAL	\$	171,301,667
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(5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

Appropriation:

St Bldg Constr Acct	\$	282,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	282,000
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NEW SECTION. Sec. 6. FOR THE OFFICE OF THE ADMINISTRATOR FOR THE COURTS

(1) Olympia eastside building repair: To replace the heating, ventilation, and air conditioning system

Appropriation:

St Bldg Constr Acct	\$	150,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	150,000
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NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL
ADMINISTRATION

(1)	Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)		
	Reappropriation:		
	Cap Bldg Constr Acct	\$	23,000
	Prior Biennia (Expenditures)	\$	90,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	113,000
(2)	Boiler plant structural repairs: To complete phase I of the structural repair of the capitol campus boiler plant (88-1-003)		
	Reappropriation:		
	Cap Bldg Constr Acct	\$	333,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	333,000
(3)	Campus repairs: Inadequate building systems (88-2-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	566,000
	Prior Biennia (Expenditures)	\$	6,801,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,367,000
(4)	Minor works: Northern State facility repairs (90-1-012)		
	The reappropriation in this subsection is subject to the following conditions and limitations: The reappropriation shall be used for electrical cable repair and replacement.		
	Reappropriation:		
	St Bldg Constr Acct	\$	275,000
	Prior Biennia (Expenditures)	\$	744,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,019,000
(5)	Boiler plant structural repairs (90-1-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	30,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	730,000
(6)	Minor works: Sidewalks and streets (90-2-005)		
	Reappropriation:		
	Cap Bldg Constr Acct	\$	425,000
	Prior Biennia (Expenditures)	\$	75,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	500,000
(7)	Minor works: Building exterior repairs (90-2-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	180,000
	Cap Bldg Constr Acct	\$	450,000
	Subtotal Reappropriation	\$	630,000
	Prior Biennia (Expenditures)	\$	2,222,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,852,000
(8)	Minor works: Mechanical system repairs (90-2-009)		
	Reappropriation:		
	St Bldg Constr Acct	\$	600,000
	Prior Biennia (Expenditures)	\$	1,400,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,000,000
(9)	Remodel of the John A. Cherberg Building (88-2-040)		

The appropriations in this section are subject to the following conditions and limitations: The project shall include the review of and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

	Reappropriation:		
	St Bldg Constr Acct	\$	3,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,000,000
(10)	Minor works: Building interior repairs (90-2-010)		

The reappropriation in this subsection is subject to the following conditions and limitations: \$200,000 is provided solely to correct deficiencies in the legislative

cafeteria, and \$100,000 is provided solely for the replacement and repair of the Office Building No. 2 electrical switch boards.

Reappropriation:

St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	1,138,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,438,000

- (11) Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)

Reappropriation:

St Bldg Constr Acct	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,000,000

- (12) Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)

Reappropriation:

East Cap Constr Acct	\$	45,400,000
Prior Biennia (Expenditures)	\$	27,600,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	73,000,000

- (13) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for buildings to provide care for the mentally ill consistent with chapter 205, Laws of 1989.

(b) No moneys from this reappropriation may be expended until the department secures a lease with a county or a group of counties for buildings for the purpose of operating a facility for the mentally ill consistent with chapter 205, Laws of 1989.

(c) No moneys from this reappropriation may be expended for furnishings or equipment with a useful life expectancy of less than twenty years.

Reappropriation:

St Bldg Constr Acct	\$	2,450,000
Prior Biennia (Expenditures)	\$	50,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,500,000

- (14) Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)

Reappropriation:	
St Bldg Constr Acct	\$ 1,800,000
Appropriation:	
St Bldg Constr Acct	\$ 671,000
Prior Biennia (Expenditures)	\$ 215,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,686,000

- (15) Capitol Lake repairs and preservation (90-3-013)

The appropriation in this subsection is subject to the following conditions and limitations: \$85,000 of this appropriation is provided solely for shoreline repairs.

Reappropriation:	
Cap Bldg Constr Acct	\$ 70,000
Prior Biennia (Expenditures)	\$ 215,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 285,000

- (16) Small repairs and improvements: For small repairs and improvements on the capitol campus, and at other general administration facilities throughout the state (92-2-002)

Appropriation:	
Cap Bldg Constr Acct	\$ 342,000
St Bldg Constr Acct	\$ 108,000

Subtotal Appropriation	\$ 450,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,446,000

TOTAL	\$ 1,896,000

- (17) Emergency repairs (92-1-001)

Appropriation:	
Cap Bldg Constr Acct	\$ 160,000
St Bldg Constr Acct	\$ 90,000

Subtotal Appropriation	\$ 250,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,125,000

TOTAL	\$ 1,375,000

- (18) Underground storage tanks: To remove and replace underground storage tanks on the capitol campus and at the Northern State multi-service center (92-1-005)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

St Bldg Constr Acct	\$	140,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,371,000

TOTAL	\$	1,511,000

- (19) Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the capitol campus (88-5-011) (92-2-003)

The new appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.

Reappropriation:

Cap Purch & Dev Acct	\$	150,000
Appropriation:		
St Bldg Constr Acct	\$	22,438,000
Prior Biennia (Expenditures)	\$	350,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	22,938,000

- (20) General Administration Building: To preplan renovation of the General Administration Building (92-2-005)

Appropriation:

Cap Bldg Constr Acct	\$	1,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	22,101,000

TOTAL	\$	23,301,000

- (21) Capitol Lake dredging (92-3-019)

Appropriation:

St Bldg Constr Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,000,000
 (22) Capitol Lake repairs (92-2-015)		
Appropriation:		
St Bldg Constr Acct	\$	1,125,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,125,000
 (23) Campus high voltage loop improvements (2) (92-2-008)		
Appropriation:		
St Bldg Constr Acct	\$	1,009,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,009,000
 (24) Minor works: Building electrical repairs (92-2-013)		

The appropriation in this subsection is subject to the following conditions and limitations: \$150,000 is provided for electrical and data lines to be installed in the chambers of the senate and house of representatives.

Appropriation:		
Cap Bldg Constr Acct	\$	317,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	588,000
TOTAL	\$	905,000
 (25) Capitol campus control system improvements, phases 2 and 3 (92-2-014)		
Appropriation:		
Cap Bldg Constr Acct	\$	1,671,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,454,000
TOTAL	\$	3,125,000
 (26) Minor works: Utilities and grounds improvements (92-2-016)		

Funding is provided solely for the installation of an oil separator in the powerhouse tank drain, repair of sidewalks and steps around the capitol campus, replacement of plumbing in the Tivoli Fountain, and installation of bicycle lockers.

Appropriation:		
Cap Bldg Constr Acct	\$	1,184,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,760,000

TOTAL	\$	2,944,000
(27) Minor works: Building exterior repairs (92-2-017)		
Appropriation:		
Cap Bldg Constr Acct	\$	1,172,000
St Bldg Constr Acct	\$	615,000

Subtotal Appropriation	\$	1,787,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,469,000

TOTAL	\$	5,256,000
(28) Minor works: Building interior repairs (92-2-018)		
Appropriation:		
Cap Bldg Constr Acct	\$	600,000
St Bldg Constr Acct	\$	489,000

Subtotal Appropriation	\$	1,089,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,320,000

TOTAL	\$	2,409,000
(29) Minor works: Building mechanical system improvements (92-2-020)		
Appropriation:		
St Bldg Constr Acct	\$	944,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,397,000

TOTAL	\$	4,341,000
(30) Governor's Mansion structural repairs and sprinkler installation (92-2-024)		
Appropriation:		
Cap Bldg Constr Acct	\$	80,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,200,000

TOTAL	\$	1,280,000
(31) Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021)		
Appropriation:		
CEP & RI Acct	\$	280,000
Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs)	\$	1,278,000
	TOTAL	\$	1,558,000
(32)	Implementation strategy for state facilities in Thurston county (92-5-100)		
	Appropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(33)	State Capitol satellite campuses master plan (92-5-101)		
	Appropriation:		
	St Bldg Constr Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	750,000
(34)	Business park facilities master plan (92-5-102)		
	Appropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	500,000
(35)	Capitol campus geotechnical and hydrologic survey (92-5-108)		
	Appropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(36)	Thurston county landbank: To acquire interest in real property for inclusion in a landbank for future state facilities in Thurston county (92-5-000)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,000,000
(37)	Heritage Park: To acquire property and begin planning for a park between the capitol campus and Capitol Lake (92-5-105)		

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any projects being developed by local governments or other state agencies that affect the design or development of the park.

Appropriation:

St Bldg Constr Acct	\$	6,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	13,800,000

TOTAL	\$	20,500,000

- (38) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventive maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

Appropriation:

Cap Bldg Constr Acct	\$	591,000
St Bldg Constr Acct	\$	500,000

Subtotal Appropriation	\$	1,091,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,091,000

- (39) Deschutes parkway road and storm drainage preplan and repairs (92-2-023)

Appropriation:

St Bldg Constr Acct	\$	285,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,627,000

TOTAL	\$	7,912,000

NEW SECTION. Sec. 8. FOR THE MILITARY DEPARTMENT

- (1) Exterior painting of facilities (88-3-007)

Reappropriation:

St Bldg Constr Acct	\$	42,000
Prior Biennia (Expenditures)	\$	974,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,016,000

- (2) Minor works (86-1-005)

Appropriation:

	St Bldg Constr Acct	\$	735,000
	Prior Biennia (Expenditures)	\$	525,000
	Future Biennia (Projected Costs)	\$	1,517,000

	TOTAL	\$	2,777,000
(3)	Small repairs and improvements: Projects less than twenty-five thousand dollars each (86-1-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	292,000
	Prior Biennia (Expenditures)	\$	375,000
	Future Biennia (Projected Costs)	\$	906,000

	TOTAL	\$	1,573,000
(4)	Minor works in support of small federal construction projects (86-2-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	92,000
	Appropriation:		
	General Fund-Federal	\$	1,125,000
	St Bldg Constr Acct	\$	375,000

	Subtotal Appropriation	\$	1,500,000
	Prior Biennia (Expenditures)	\$	4,160,000
	Future Biennia (Projected Costs)	\$	4,101,000

	TOTAL	\$	9,853,000
(5)	Facility heating, ventilating, and air conditioning renovation (88-3-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	93,000
	Appropriation:		
	St Bldg Constr Acct	\$	248,000
	Prior Biennia (Expenditures)	\$	461,000
	Future Biennia (Projected Costs)	\$	829,600

	TOTAL	\$	1,631,600
(6)	Roof renovation or replacement projects (88-3-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	126,000
	Appropriation:		
	St Bldg Constr Acct	\$	641,000
	Prior Biennia (Expenditures)	\$	699,000
	Future Biennia (Projected Costs)	\$	1,338,000

	TOTAL	\$	2,804,000

- (7) Life and safety code compliance: To improve life and safety deficiencies and correct code violations at armories throughout the state (88-1-005)
- | | |
|--|--------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 252,000 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 485,000 |
| Prior Biennia (Expenditures) | \$ 548,000 |
| Future Biennia (Projected Costs) | \$ 1,535,000 |
| | ----- |
| TOTAL | \$ 2,820,000 |
- (8) Underground storage tanks: To remove and replace underground storage tanks and remediate contaminated soils (88-1-008)
- The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.
- | | |
|--|--------------|
| Appropriation: | |
| St Bldg Constr Acct | \$ 270,000 |
| Prior Biennia (Expenditures) | \$ 550,000 |
| Future Biennia (Projected Costs) | \$ 373,000 |
| | ----- |
| TOTAL | \$ 1,393,000 |
- (9) Grandview Armory: To construct an armory in the city of Grandview (88-2-013)
- | | |
|--|--------------|
| Appropriation: | |
| General Fund-Federal | \$ 1,602,000 |
| St Bldg Constr Acct | \$ 1,102,000 |
| | ----- |
| Subtotal Appropriation | \$ 2,704,000 |
| Prior Biennia (Expenditures) | \$ 155,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| | ----- |
| TOTAL | \$ 2,859,000 |
- (10) Buckley Armory: To construct an armory in the city of Buckley (90-2-011)
- | | |
|--|--------------|
| Appropriation: | |
| General Fund-Federal | \$ 1,728,000 |
| St Bldg Constr Acct | \$ 1,127,000 |
| | ----- |
| Subtotal Appropriation | \$ 2,855,000 |
| Prior Biennia (Expenditures) | \$ 163,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| | ----- |
| TOTAL | \$ 3,018,000 |
- (11) Moses Lake: To construct an armory in the city of Moses Lake (90-2-013)
- | | |
|----------------------------|--------------|
| Appropriation: | |
| General Fund-Federal | \$ 1,804,000 |
| St Bldg Constr Acct | \$ 1,206,000 |
| | ----- |

Subtotal Appropriation	\$	3,010,000
Prior Biennia (Expenditures)	\$	170,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,180,000

NEW SECTION. Sec. 9. FOR THE LIQUOR CONTROL BOARD

- (1) Preplanning liquor distribution center with materials handling system (92-1-001)

Appropriation:		
Liquor Revolving Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	120,000

"PART 2

HUMAN RESOURCES"

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

- (1) Grays Harbor dredging (88-3-006)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.

(b) Expenditure of moneys from this reappropriation is contingent on \$40,000,000 from the United States army corps of engineers and \$10,000,000 from local government funds being appropriated for the project.

(c) Expenditure of moneys from this reappropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from sources other than those in subsection (b) of this section. Any money, up to \$10,000,000 provided from sources other than those in subsection (b) of this section, shall be used to reimburse or replace state building construction account moneys.

Reappropriation:		
St Bldg Constr Acct	\$	6,840,318
Prior Biennia (Expenditures)	\$	3,159,682
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	10,000,000

- (2) Housing capital programs: To construct, acquire, and rehabilitate low-income housing (88-5-015)

Reappropriation:		
St Bldg Constr Acct	\$	10,000,000
Appropriation:		
St Bldg Constr Acct	\$	20,000,000

Prior Biennia (Expenditures)	\$	8,000,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	38,000,000

(3) Columbia county courthouse (89-4-004)

The reappropriation in this subsection is provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

Reappropriation:		
St Bldg Constr Acct	\$	600,000
Appropriation:		
St Bldg Constr Acct	\$	60,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	660,000

(4) Public works trust fund (90-2-001)

\$7,000,000 of the appropriation in this subsection is provided solely for the purposes of Engrossed Substitute Senate Bill No. 5555. If this bill is not enacted by June 30, 1991, this money may be expended for other public works projects approved by the legislature under RCW 43.155.070.

Reappropriation:		
Public Works Assist	\$	85,734,000
Appropriation:		
Public Works Assist	\$	88,491,000
Prior Biennia (Expenditures)	\$	54,534,447
Future Biennia (Projected Costs)	\$	231,877,000

TOTAL	\$	460,636,447

(5) Seventh Street Hoquiam Theatre (90-2-008)

Reappropriation:		
St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	250,000

(6) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	250,000

(7) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to local governments to preserve historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from nonstate sources is provided for the same purposes. First priority for funding under this subsection shall be given to the Admiral Theatre in west Seattle.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500,000

(8) Emergency management building minor works (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	246,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	246,000

(9) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(10) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Grants are limited to the following projects:

Total Capital	State Match Cost	State Portion
Seattle Children's Theatre	\$ 8,000,000	\$ 1,200,000 15%
Admiral Theatre (Bremerton)	\$ 4,261,000	\$ 639,000 15%
Spokane Symphony	\$ 1,500,000	\$ 225,000 15%
Pacific Northwest Ballet	\$ 7,500,000	\$ 1,125,000 15%
Seattle Symphony	\$ 54,000,000	\$ 8,100,000 15%
Seattle Repertory Theatre	\$ 4,000,000	\$ 600,000 15%
Intiman Theatre	\$ 800,000	\$ 120,000 15%
Broadway Theatre District (Tacoma)	\$ 8,400,000	\$ 1,260,000 15%
Allied Arts of Yakima	\$ 500,000	\$ 75,000 15%
Spokane Art School	\$ 454,000	\$ 68,000 15%
Seattle Art Museum	\$ 4,862,500	\$ 729,000 15%
Tears of Joy Theatre	<u>\$ 6,000,000</u>	<u>\$ 900,000 15%</u>
 Total	 \$100,277,500	 \$15,041,000

(b) The state grant may provide no more than fifteen percent of the total capital cost of the project, or the state portion percentage listed in (a) of this subsection, whichever is less. The remaining portions of project capital costs shall be matching funds from nonstate sources. The matching funds may include cash and land value.

Appropriation:	
St Bldg Constr Acct	\$ 11,639,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 3,402,000
TOTAL	\$ 15,041,000

- (11) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The matching funds may include cash, land value, and other in-kind contributions.

Appropriation:	
St Bldg Constr Acct	\$ 5,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,000,000

- (12) Seattle Center redevelopment: For upgrading the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high priority building

systems; and making general improvements to the site, including signs, fountains, portable stages, and fencing

The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Appropriation:	
St Bldg Constr Acct	\$ 4,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 4,500,000

(13) Spokane Food Bank: For construction of a freezer/cooler

Appropriation:	
St Bldg Constr Acct	\$ 125,000
Prior Biennia (Expenditures)	\$ 150,000
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 275,000

(14) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus

The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Appropriation:	
St Bldg Constr Acct	\$ 500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 500,000

(15) Nordic Heritage Museum: For building acquisition and improvements

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:	
St Bldg Constr Acct	\$ 200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 200,000

(16) Thorp Grist Mill: Restoration

The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:	
St Bldg Constr Acct	\$ 10,000

Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	30,000

(17) A Contemporary Theater

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

Reappropriation:

St Bldg Constr Acct	\$	750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	750,000

(18) Keyport Naval Undersea Museum: To complete an auditorium in the museum

Appropriation:

St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	800,000

(19) Marcus Whitman statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county

Appropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	53,000

(20) Mystic Lake flood assistance

Appropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	53,000

(21) Maritime Museum

Appropriation:

St Bldg Constr Acct	\$	200,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

(22) Snohomish county drainage district number 6

Appropriation:		
St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	350,000

(23) Almira and Coulee-Hartline School District building remodel

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall not be allocated to the Coulee-Hartline school district until written confirmation has been provided to the department from the boards of directors of the two school districts that the moneys will be used to upgrade the Hartline facility for the purpose of implementing a cooperative high school program with the Almira school district under chapter 28A.340 RCW.

(b) The appropriation is contingent on the two school districts contributing matching funds of at least \$100,000.

Appropriation:		
St Bldg Constr Acct	\$	240,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	240,000

(24) Acquisition of property adjacent to Ezra Meeker Mansion in Puyallup

The department shall release funds in consultation with the Washington State Historical Society at such time as the Ezra Meeker Historical Society has secured pledges and contributions for property acquisition and development in the amount of \$200,000.

Appropriation:		
St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

(25) Resource Center for the Handicapped

Appropriation:		
St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,500,000

(26) Tacoma educational enrichment center

The appropriation in this subsection is contingent upon a matching contribution of at least \$2,200,000 from the Tacoma school district or other local government entity. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Appropriation:

St Bldg Constr Acct	\$	2,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,200,000

(27) Yakima criminal justice facility: Grant to the city of Yakima for the construction of a new criminal justice facility

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Before receiving the grant, the city shall demonstrate an ability to complete the construction of the facility and fund the operation of the new facility.

(b) The grant shall not exceed sixty-six percent of the total project cost as determined by the department.

Appropriation:

St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,000,000

(28) Enumclaw performing arts center: For construction and building improvements

The appropriation in this subsection is provided solely for a grant to the city of Enumclaw for the construction of the Enumclaw performing arts center. No funds shall be expended until voter-approved bond authorization is provided as local matching funds.

Appropriation:

St Bldg Constr Acct	\$	200,000
Prior biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

(29) Bonney Lake Park: Grant to the city of Bonney Lake for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake

The appropriation in this subsection is subject to a match of equal value from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	35,000
Prior biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	35,000

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

(1) Design and construct new agency headquarters in Olympia and Tumwater (90-4-004)

Reappropriation:

L & I Constr Acct	\$	44,700,000
Prior Biennia (Expenditures)	\$	18,300,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	63,000,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Rainier: Renovate Evergreen Center (79-1-017)

Reappropriation:

St Bldg Constr Acct	\$	200,000
DSHS Constr Acct	\$	119,477

Subtotal Reappropriation	\$	319,477
Prior Biennia (Expenditures)	\$	4,230,523
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,550,000

(2) Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)

Reappropriation:

Hndcp Fac Constr Acct	\$	253,531
Prior Biennia (Expenditures)	\$	33,371
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	286,902

(3) Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)

Reappropriation:

St Bldg Constr Acct	\$	130,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	130,000

(4) Western State Hospital: Sanitary sewer (88-2-400)

Reappropriation:

	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	2,109,238
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,309,238
(5)	Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,600,000
	Prior Biennia (Expenditures)	\$	364,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,964,000
(6)	Western State Hospital: Ward renovations, phase 4 (90-1-312)		
	Reappropriation:		
	St Bldg Constr Acct	\$	6,000,000
	Prior Biennia (Expenditures)	\$	192,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,192,000
(7)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,000,000
	Prior Biennia (Expenditures)	\$	2,510,400
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,510,400
(8)	Minor capital renewal: Utilities and facilities (90-2-001)		
	Reappropriation:		
	CEP & RI Acct	\$	250,000
	Prior Biennia (Expenditures)	\$	500,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	750,000
(9)	Minor capital renewal: Roads and grounds (90-2-002)		
	Reappropriation:		
	CEP & RI Acct	\$	250,000
	St Bldg Constr Acct	\$	50,000
	Subtotal Reappropriation	\$	300,000
	Prior Biennia (Expenditures)	\$	698,868
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	998,868
(10)	Minor capital renewal: Roofs (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	692,268
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	842,268
(11)	Minor capital renewal: Fire and safety (90-1-004)		
	Reappropriation:		
	CEP & RI Acct	\$	250,000
	St Bldg Constr Acct	\$	200,000
	Subtotal Reappropriation	\$	450,000
	Prior Biennia (Expenditures)	\$	841,611
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,291,611
(12)	Minor capital renewal: Hazardous substance (90-1-005)		
	Reappropriation:		
	CEP & RI Acct	\$	100,000
	St Bldg Constr Acct	\$	50,000
	Subtotal Reappropriation	\$	150,000
	Prior Biennia (Expenditures)	\$	700,978
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	850,978
(13)	Emergency capital repairs (90-1-007)		
	Reappropriation:		
	CEP & RI Acct	\$	25,000
	Prior Biennia (Expenditures)	\$	444,578
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	469,578
(14)	Small repairs and improvements (90-2-008)		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	140,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	190,000

(15) Minor projects: Bureau of alcohol (90-2-010)		
Reappropriation:		
CEP & RI Acct	\$	350,000
Prior Biennia (Expenditures)	\$	92,400
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	442,400
(16) Minor projects: Juvenile rehabilitation division (90-2-020)		
Reappropriation:		
CEP & RI Acct	\$	200,000
St Bldg Constr Acct	\$	25,000
Subtotal Reappropriation	\$	225,000
Prior Biennia (Expenditures)	\$	285,781
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	510,781
(17) Minor projects: Mental health division (90-2-030)		
Reappropriation:		
St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	575,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	775,000
(18) Minor projects: Mental health division (90-2-032)		
Reappropriation:		
CEP & RI Acct	\$	65,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	65,000
(19) Snohomish county: Mental health evaluation and treatment facility (90-2-033)		

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.

(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

Reappropriation:

St Bldg Constr Acct	\$	800,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

(20) Minor projects: Developmental disabilities division (90-2-040)

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	484,222
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	734,222

(21) Minor capital renewal, mental health (90-2-060)

Reappropriation:

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,000,000

(22) Child care facilities (90-2-300)

Reappropriation:

St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(23) Eastern State: Electrical distribution system (90-2-345)

Reappropriation:

St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	771,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,371,600

(24) Lakeland Village: Steam plant replacement (90-2-425)

Reappropriation:		
St Bldg Constr Acct	\$	2,500,000
Prior Biennia (Expenditures)	\$	1,063,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,563,000

(25) Preplanning (90-4-009)

The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.

Reappropriation:		
CEP & RI Acct	\$	50,000
Appropriation:		
CEP & RI Acct	\$	273,300
Prior Biennia (Expenditures)	\$	141,400
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	464,700

(26) Maple Lane: To add twenty-four new level 2 security beds (90-5-001)

Reappropriation:		
St Bldg Constr Acct	\$	1,100,000
Prior Biennia (Expenditures)	\$	156,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,256,000

(27) Echo Glen: Perimeter fence (90-5-002)

Reappropriation:		
St Bldg Constr Acct	\$	850,000
Prior Biennia (Expenditures)	\$	106,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	956,000

(28) Fircrest: Food bank facility (90-5-011)

Reappropriation:		
St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	288,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	788,000

(29) Minor capital renewal fire safety (92-1-004)

Appropriation:

	CEP & RI Acct	\$	742,066
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,783,600

	TOTAL	\$	2,525,666
(30)	Minor capital renewal utility and facility (92-2-001)		
	Appropriation:		
	CEP & RI Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,856,500

	TOTAL	\$	2,606,500
(31)	Minor capital renewal roads and grounds (92-2-002)		
	Appropriation:		
	CEP & RI Acct	\$	961,800
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,525,600

	TOTAL	\$	2,487,400
(32)	Minor capital renewal roofs (92-2-003)		
	Appropriation:		
	CEP & RI Acct	\$	819,813
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,969,900

	TOTAL	\$	2,789,713
(33)	Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005)		
	Appropriation:		
	CEP & RI Acct	\$	359,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	663,900

	TOTAL	\$	1,022,900
(34)	Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007)		
	Appropriation:		
	CEP & RI Acct	\$	250,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	538,100

	TOTAL	\$	788,100

- (35) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060)

Appropriation:

CEP & RI Acct	\$	145,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	618,000
TOTAL	\$	763,000

- (36) Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	13,669,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	13,669,000

- (37) Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	7,578,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	7,578,000

- (38) Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)

Appropriation:

CEP & RI Acct	\$	192,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	430,500
TOTAL	\$	622,500

- (39) Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)

Appropriation:

CEP & RI Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>300,000</u>
(40)	Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)		
	Appropriation:		
	CEP & RI Acct	\$	758,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,849,731
	TOTAL	\$	<u>2,607,731</u>
(41)	Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation, window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)		
	Appropriation:		
	CEP & RI Acct	\$	1,317,200
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,656,600
	TOTAL	\$	<u>3,973,800</u>
(42)	Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renovation at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and playground expansion at Yakima Valley School (92-2-040)		
	Appropriation:		
	CEP & RI Acct	\$	912,400
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,472,000
	TOTAL	\$	<u>2,384,400</u>
(43)	Maple Lane: To add sixty-four new level 1 security beds (92-2-225)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Appropriation:		
	St Bldg Constr Acct	\$	6,715,800
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	<u>6,715,800</u>
(44)	Maple Lane: To add forty-seven new level 2 security beds (92-2-230)		

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	3,107,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,107,000

(45) Child study: For construction of a new education center (high school) at the child study and treatment center (92-2-319)

Appropriation:

St Bldg Constr Acct	\$	2,642,300
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,642,300

(46) Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)

Appropriation:

CEP & RI Acct	\$	292,800
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	473,500

TOTAL	\$	766,300

(47) Resource conservation: For energy and water conservation projects (92-4-006)

Appropriation:

CEP & RI Acct	\$	561,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	442,600

TOTAL	\$	1,003,700

(48) Peninsula Lodge renovation: To renovate the building on the Frances Hadden Morgan complex for a youth drug treatment center

Appropriation:

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	500,000

(49) Washington Institute for Mental Illness Research at Western State Hospital

Appropriation:

CEP & RI	\$	700,000
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	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	700,000
	NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF HEALTH		
(1)	Referendum 38: Water bonds (86-2-099)		
	Reappropriation:		
	Improv-Water Supply	\$	6,100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	6,100,000
(2)	Implementation of 1980 master plan: For the design and construction of phase 1 of the public health laboratory expansion (92-2-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	18,500,000

	TOTAL	\$	19,700,000
(3)	Consolidated request: Emergency repairs (92-2-002)		
	Appropriation:		
	CEP & RI Acct	\$	49,560
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	49,560
(4)	Vaccine storage: For installation of a walk-in refrigeration and cold-storage unit at the public health laboratory (92-2-003)		
	Appropriation:		
	CEP & RI Acct	\$	88,427
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	88,427
(5)	Consolidated request: Small repairs and improvements (92-2-004)		
	Appropriation:		
	CEP & RI Acct	\$	49,560
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	49,560
(6)	Lab improvement: Pesticide and newborn screening (92-2-005)		

Appropriation:	
CEP & RI Acct	\$ 297,124
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 297,124

- (7) Fume hood addition or replacement: For addition or replacement of the fume hood in the radiation chemistry lab (92-2-007)

Appropriation:	
CEP & RI Acct	\$ 176,208
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 176,208

- (8) Autoclave and sterilizing oven replacement: For replacement of aging equipment at the public health laboratory (92-2-008)

Appropriation:	
CEP & RI Acct	\$ 92,509
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 92,509

- (9) Energy management system, phase 3 (92-4-006)

Appropriation:	
CEP & RI Acct	\$ 99,117
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 99,117

NEW SECTION. Sec. 14. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

- (1) Minor works--Building improvements, phase 2: To complete minor works and other projects, including food service renovation (phase 2) and window replacement at the veterans' home (88-1-014)

Reappropriation:	
CEP & RI Acct	\$ 45,000
Appropriation:	
CEP & RI Acct	\$ 435,570
Prior Biennia (Expenditures)	\$ 349,440
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 830,010

- (2) Minor works--Roads, walkways, and grounds: To complete minor works and other projects, including widening roadway at the veterans' home, improving

and repairing roads, parking lots, and walkways at the veterans' home, and soldiers' home, and installing outdoor lighting at the soldiers' home (90-1-005)

Reappropriation:

CEP & RI Acct \$ 50,000

Appropriation:

CEP & RI Acct \$ 304,129

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 454,129

- (3) Building 9: To complete air quality improvements (phase 2), including window replacement in building 9 at the soldiers' home (90-1-009)

Reappropriation:

CEP & RI Acct \$ 281,000

Appropriation:

CEP & RI Acct \$ 277,951

Prior Biennia (Expenditures) \$ 313,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 871,951

- (4) Design and renovate Garfield (90-5-012)

The appropriation in this subsection is contingent on the office of financial management reporting to the legislature on the costs of constructing, maintaining, and operating the facility funded by the appropriation, compared to the cost of reimbursing Medicaid-certified nursing homes. In addition, the appropriation in this subsection may not be expended until the department has studied the appropriateness and the costs and benefits of Medicaid certification for its existing facilities and has reported the results of this study to the legislature. Further, the appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

CEP & RI Acct-Federal \$ 2,878,000

CEP & RI Acct \$ 1,550,000

Subtotal Appropriation \$ 4,428,000

Prior Biennia (Expenditures) \$ 35,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,463,000

- (5) Minor works: To upgrade underground storage tanks to meet federal requirements (92-1-001)

Appropriation:

CEP & RI Acct \$ 60,000

Prior Biennia (Expenditures) \$ 0

	Future Biennia (Projected Costs)	\$	353,784
	TOTAL	\$	413,784
(6)	Contingency for emergency repairs (92-2-002)		
	Appropriation:		
	CEP & RI Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	150,000
(7)	Minor works--Mechanical: For minor projects, including air handling, steam radiator replacement, and heat exchanger replacement at the veterans' and soldiers' homes (92-2-006)		
	Appropriation:		
	CEP & RI Acct	\$	307,282
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	307,282
(8)	Minor works--Building repairs: For minor projects, including replacing the nurses' call system, replacing automatic doors, and replacing floor tiles at the veterans' and soldiers' homes (92-2-007)		
	Appropriation:		
	CEP & RI Acct	\$	121,111
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	121,111
(9)	Minor works--Building improvements, phase 2: Minor projects (phase 2), including expansion of the maintenance building, renovation of the commissary, and improvement of the laundry cart storage area (92-2-008)		
	Appropriation:		
	CEP & RI Acct	\$	299,592
	Prior Biennia (Expenditures)	\$	88,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	387,592
(10)	Minor works: For building feasibility studies, including the food service area at the soldiers' home, and the Chilson Hall/Roosevelt Barracks connection (92-2-011)		
	Appropriation:		
	CEP & RI Acct	\$	13,414
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	145,605

	TOTAL	\$	159,019
(11)	Steam distribution study (92-2-024)		
	Reappropriation:		
	CEP & RI Acct	\$	22,200
	Appropriation:		
	CEP & RI Acct	\$	3,409
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,117,406
	TOTAL	\$	1,143,015
(12)	Minor works--Building exteriors: For minor works, including roof repair/replacement and stucco repair (92-3-004)		
	Appropriation:		
	CEP & RI Acct	\$	134,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	134,000
(13)	Minor works: Covered walkway (92-5-008)		
	Appropriation:		
	CEP & RI Acct	\$	38,038
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	38,038
(14)	Preplanning for an Eastern Washington Veteran's Health Service Center, including analysis of potential sites, basic facility design, cost estimates, analysis of client workload and service needs, and analysis of the facility organization and operation		
	In assessing the need for a facility, the preplan shall recognize that the mission of the Eastern Washington Veteran's Health Service Center will be to focus on rehabilitation of veterans in order to enable them to return to independent living in their communities. The analysis of client workload and service needs shall examine the following options:		
	(a) Treatment and therapy for veterans suffering from substance abuse diseases;		
	(b) Rehabilitation and therapy that, upon completion, allow the veterans to return to or remain in the home or an alternative community living situation;		
	(c) Alzheimers disease care;		
	(d) Outpatient service for community-based eligible veterans such as post-trauma stress disorder;		
	(e) Assisted living;		
	(f) Temporary living quarters for homeless veterans;		
	(g) Adult daycare;		

(h) Referral and coordination of services for veterans in their communities;
and

(i) Residential nursing care for functionally disabled veterans.

Appropriation:

CEP & RI Acct \$ 148,492

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 148,492

NEW SECTION. Sec. 15. FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section are subject to the following conditions and limitations:

(a) The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.

(b) If enacted by June 30, 1991, the contracting methods authorized by Engrossed Substitute House Bill No. 1777 may be employed by the department of corrections in constructing the eligible projects contained in this section.

(1) Washington State Reformatory: Continuation of cellblock renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct \$ 1,800,000

Appropriation:

St Bldg Constr Acct \$ 9,687,000

Prior Biennia (Expenditures) \$ 19,513,213

Future Biennia (Projected Costs) \$ 9,281,500

TOTAL \$ 40,281,713

(2) Washington State Penitentiary: For improving security facilities and utilities (83-3-052)

The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.

Reappropriation:

St Bldg Constr Acct \$ 1,300,000

Appropriation:

St Bldg Constr Acct \$ 1,609,000

Prior Biennia (Expenditures) \$ 11,536,721

Future Biennia (Projected Costs) \$ 4,274,000

TOTAL \$ 18,719,721

(3) McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)

	Reappropriation:		
	St Bldg Constr Acct	\$	4,800,000
	Appropriation:		
	St Bldg Constr Acct	\$	3,230,500
	Prior Biennia (Expenditures)	\$	2,084,319
	Future Biennia (Projected Costs)	\$	4,780,000

	TOTAL	\$	14,894,819
(4)	McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	600,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,922,500
	Prior Biennia (Expenditures)	\$	5,500,879
	Future Biennia (Projected Costs)	\$	3,737,000

	TOTAL	\$	11,760,379
(5)	McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,000,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,040,000
	Prior Biennia (Expenditures)	\$	6,184,008
	Future Biennia (Projected Costs)	\$	3,805,000

	TOTAL	\$	14,029,008
(6)	State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin Rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,298,000
	Prior Biennia (Expenditures)	\$	1,013,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	3,611,000
(7)	State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin Rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase		

reservoir capacity at Cedar Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)

Reappropriation:	
St Bldg Constr Acct	\$ 700,000
Appropriation:	
St Bldg Constr Acct	\$ 1,731,000
Prior Biennia (Expenditures)	\$ 661,000
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 3,092,000

(8) McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 27,000,000
Appropriation:	
St Bldg Constr Acct	\$ 37,126,000
Prior Biennia (Expenditures)	\$ 5,012,222
Future Biennia (Projected Costs)	\$ 12,708,000
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TOTAL	\$ 81,846,222

(9) Prerelease facility development: To plan a prerelease facility in western Washington

Appropriation:	
St Bldg Constr Acct	\$ 167,000
Prior Biennia (Expenditures)	\$ 415,391
Future Biennia (Projected Costs)	\$ 7,374,000
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TOTAL	\$ 7,956,391

(10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 800,000
Appropriation:	
St Bldg Constr Acct	\$ 3,388,000
Prior Biennia (Expenditures)	\$ 815,000
Future Biennia (Projected Costs)	\$ 7,709,000
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TOTAL	\$ 12,712,000

(11) Hazardous materials management (90-1-004)		
Reappropriation:		
St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	79,000
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	279,000
(12) Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)		
Reappropriation:		
St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	1,052,000
Future Biennia (Projected Costs)	\$	1,183,000
		<hr/>
TOTAL	\$	2,835,000
(13) State-wide minor projects (90-1-009)		
Reappropriation:		
CEP & RI Acct	\$	900,000
St Bldg Constr Acct	\$	1,300,000
		<hr/>
Subtotal Appropriation	\$	2,200,000
Prior Biennia (Expenditures)	\$	3,149,000
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	5,349,000
(14) State-wide small repairs and improvements (90-1-010)		
Reappropriation:		
St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	456,000
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	756,000
(15) State-wide emergency repair projects (90-1-013)		
Reappropriation:		
CEP & RI Acct	\$	50,000
Appropriation:		
CEP & RI Acct	\$	750,000
Prior Biennia (Expenditures)	\$	700,000
Future Biennia (Projected Costs)	\$	750,000
		<hr/>
TOTAL	\$	2,250,000
(16) New regional camps (three 400-bed camps) (90-2-001)		

\$15,167,000 of the amount appropriated in this subsection is provided for implementation of the master plan at the Washington Corrections Center for Women in lieu of one of the three camps.

Reappropriation:	
St Bldg Constr Acct	\$ 45,500,000
Prior Biennia (Expenditures)	\$ 1,405,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 46,905,000

(17) Washington State Penitentiary: For minimum security unit double bunking (90-2-003)

Reappropriation:	
St Bldg Constr Acct	\$ 1,050,000
Prior Biennia (Expenditures)	\$ 160,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,210,000

(18) Forestry camp expansion (90-5-027)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 2,350,000
Drug Enf & Ed Acct	\$ 5,900,000
Subtotal Reappropriation	\$ 8,250,000
Appropriation:	
St Bldg Constr Acct	\$ 3,000,000
Prior Biennia (Expenditures)	\$ 3,266,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 14,516,000

(19) Twin Rivers Corrections Center: Double bunking (90-2-004)

Reappropriation:	
St Bldg Constr Acct	\$ 2,500,000
Prior Biennia (Expenditures)	\$ 481,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,981,000

(20) Washington State Penitentiary: Medium-security complex double bunking (90-2-005)

Reappropriation:	
St Bldg Constr Acct	\$ 1,000,000

	Prior Biennia (Expenditures)	\$	128,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,128,000
(21)	Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	600,000
	Prior Biennia (Expenditures)	\$	1,138,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,738,000
(22)	Cedar Creek Corrections Center: 100-bed expansion (90-2-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,450,000
	Prior Biennia (Expenditures)	\$	187,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,637,000
(23)	New 1,024-bed institution (90-2-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	3,700,000
	Appropriation:		
	St Bldg Constr Acct	\$	93,036,000
	Prior Biennia (Expenditures)	\$	717,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	97,453,000
(24)	Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	113,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,213,000
(25)	State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Appropriation:		
	St Bldg Constr Acct	\$	2,631,000

	Prior Biennia (Expenditures)	\$	1,350,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,131,000
(26)	Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	23,000,000
	Prior Biennia (Expenditures)	\$	2,301,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	25,301,000
(27)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,000,000
	TOTAL	\$	1,300,000
(28)	State-wide minor projects: For projects less than \$500,000 pertaining to life/safety code compliance, property protection, or essential program support (92-1-012)		
	Appropriation:		
	St Bldg Constr Acct	\$	5,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	4,976,000
	TOTAL	\$	9,976,000
(29)	State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)		
	Appropriation:		
	St Bldg Constr Acct	\$	497,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	497,000
(30)	Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)		
	The appropriation in this subsection is subject to the following conditions and limitations: Pellet fuels shall be the primary fuel source.		
	Appropriation:		
	St Bldg Constr Acct	\$	2,164,000
	Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,164,000
(31)	Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,443,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,443,000
(32)	Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)		
	Appropriation:		
	St Bldg Constr Acct	\$	888,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	888,000
(33)	Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)		
	Appropriation:		
	St Bldg Constr Acct	\$	729,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	729,000
(34)	Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,084,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,084,000
(35)	Pilot preventive maintenance program: For computer hardware and software for a computer-based preventive maintenance system (92-4-033)		

The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the

office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.

Appropriation:

St Bldg Constr Acct	\$	325,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	325,000

(36) Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)

Appropriation:

St Bldg Constr Acct	\$	1,426,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,426,000

"PART 3

NATURAL RESOURCES"

NEW SECTION. Sec. 16. FOR THE WASHINGTON STATE ENERGY OFFICE

(1) Energy partnership: Conservation capital projects for schools and state government facilities (92-1-001)

Reappropriation:

St Bldg Constr Acct	\$	1,729,400
Appropriation:		
Energy Eff Constr Acct	\$	5,000,000
Prior Biennia (Expenditures)	\$	217,000
Future Biennia (Projected Costs)	\$	6,946,400
TOTAL	\$	13,892,800

(2) Energy partnership services: For project start-up

Appropriation:

Energy Eff Svcs Acct	\$	1,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,100,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF ECOLOGY

(1) Referendum 26: Waste disposal facilities (74-5-004)

Reappropriation:

LIRA, Waste Disp Fac	\$	15,660,673
Prior Biennia (Expenditures)	\$	8,093,028
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	23,753,701

(2) Referendum 38: Water supply facilities (74-5-006)

Reappropriation:	
LIRA, Water Sup Fac	\$ 26,744,618
Prior Biennia (Expenditures)	\$ 2,466,576
Future Biennia (Projected Costs)	\$ 29,763,000
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TOTAL	\$ 58,974,194

(3) State emergency water project revolving account (76-5-003)

Reappropriation:	
Emerg Water Proj Rev Acct	\$ 7,599,337
Appropriation:	
Emerg Water Proj Rev Acct	\$ 1,343,929
Prior Biennia (Expenditures)	\$ 16,586,284
Future Biennia (Projected Costs)	\$ 224,761
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TOTAL	\$ 25,754,311

(4) Referendum 39: Waste disposal facilities 1980 bond issue (82-5-005)

The appropriations in this subsection are subject to the following conditions and limitations: No expenditure shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

- (a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;
- (b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and
- (c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:	
LIRA, Waste Disp Fac	\$ 44,450,000
Appropriation	
LIRA, Waste Disp Fac	\$ 17,148,000
Prior Biennia (Expenditures)	\$ 401,402,000
Future Biennia (Projected Costs)	\$ 0
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TOTAL	\$ 463,000,000

(5) Water quality account (86-5-007)

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:
 - (i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(ii) Give second priority to projects that reduce combined sewer overflows; and

(iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(b) The following limitations apply to the department's total distribution of funds appropriated under this subsection:

(i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers, with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) Not more than ten percent for activities that control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (b)(i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection (5)(d) represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The department shall also evaluate long-range financial options which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill No. 1025. If the bill is not enacted by June 30, 1991, the director of the department shall coordinate with the department of community development, the office of financial management, the department of health, and the Puget Sound water quality authority as well as other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital facilities and financing committee and the senate ways and means committee a detailed work plan, budget, and schedule for completion of the evaluation.

Reappropriation:

Water Quality Acct	\$	134,422,504
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Appropriation:

Water Quality Acct	\$	85,607,310
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Prior Biennia (Expenditures)	\$	53,036,533
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Future Biennia (Projected Costs)	\$	157,835,000
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TOTAL	\$	430,901,347
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(6) Methow Basin Water Conservation

This appropriation shall be used to fund water use efficiency improvements in the Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Appropriation:	
St Bldg Constr Acct	\$ 400,000
LIRA, Water Sup Fac	\$ 800,000

Subtotal Appropriation	\$ 1,200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,200,000

(7) Local toxics control account (88-5-008)

\$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate committees of the legislature regarding the state-wide need for programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

Reappropriation:	
Local Toxics Control	\$ 27,653,297
Appropriation:	
Local Toxics Control	\$ 59,183,607
Prior Biennia (Expenditures)	\$ 18,467,142
Future Biennia (Projected Costs)	\$ 106,984,641

TOTAL	\$ 212,288,687

NEW SECTION. Sec. 18. FOR THE STATE PARKS AND RECREATION COMMISSION

(1)	Yakima sportsman: Yakima greenway acquisition (81-3-098)	
	Reappropriation:	
	ORA-State	\$ 50,000
	Prior Biennia (Expenditures)	\$ 25,279
	Future Biennia (Projected Costs)	\$ 0

	TOTAL	\$ 75,279

(2)	State-wide: Water supply facilities (86-1-002)	
	Reappropriation:	
	St Bldg Constr Acct	\$ 30,000

	Prior Biennia (Expenditures)	\$	1,035,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,065,000
(3)	State-wide: Sewage treatment facilities (86-1-003)		
	Reappropriation:		
	LIRA, Waste Fac 1980	\$	128,000
	ORA-Federal	\$	20,007
	ORA-State	\$	22,000
	Subtotal Reappropriation	\$	170,000
	Prior Biennia (Expenditures)	\$	148,538
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	318,545
(4)	State-wide: Boating improvements (86-3-005)		
	Reappropriation:		
	ORA-Federal	\$	36,700
	ORA-State	\$	42,500
	Subtotal Reappropriation	\$	79,200
	Prior Biennia (Expenditures)	\$	2,404
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	81,604
(5)	State-wide: Landscape repairs (86-1-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	10,000
	Prior Biennia (Expenditures)	\$	70,689
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	80,689
(6)	West Hylebos: Acquisition and development (86-4-013)		
	Reappropriation:		
	St Bldg Constr Acct	\$	190,000
	Prior Biennia (Expenditures)	\$	5,498
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	195,498
(7)	Moran: Mt. Lake civilian conservation corps buildings renovation (87-1-049) and renovation of mountain lake dam (89-1-110)		
	Reappropriation:		
	St Bldg Constr Acct	\$	140,000

	Prior Biennia (Expenditures)	\$	161,265
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	301,265
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(8)	Flaming Geyser: Bridge relocation, phase 2 (87-2-029)		
	Reappropriation:		
	St Bldg Constr Acct	\$	279,000
	ORA-Federal	\$	170,000
	ORA-State	\$	158,000
	Subtotal Reappropriation	\$	607,000
	Prior Biennia (Expenditures)	\$	656,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,263,000
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(9)	Auburn game farm: Development (87-3-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	235,000
	Prior Biennia (Expenditures)	\$	271,085
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	526,085
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(10)	Green river gorge: Phased acquisition (87-5-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	140,000
	Prior Biennia (Expenditures)	\$	123,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	263,000
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(11)	Potable water supply: To complete potable water supply projects, including state-wide projects (88-1-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Improv-Water Supply	\$	100,000
	Subtotal Reappropriation	\$	250,000
	Prior Biennia (Expenditures)	\$	672,305
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	922,305
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(12)	State-wide: Sewer facilities (88-1-007)		
	Reappropriation:		
	LIRA, Waste Fac 1980	\$	75,000
	St Bldg Constr Acct	\$	25,000

	Subtotal Reappropriation	\$	100,000
	Prior Biennia (Expenditures)	\$	81,499
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	181,499
(13)	State-wide: Boat pumpout facilities (88-1-009)		
	Reappropriation:		
	St Bldg Constr Acct	\$	267,000
	Prior Biennia (Expenditures)	\$	146,762
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	413,762
(14)	Ocean City: Municipal sewer connection (88-1-010)		
	Reappropriation:		
	LIRA, Waste Fac 1980	\$	150,000
	St Bldg Constr Acct	\$	80,000
	Subtotal Reappropriation	\$	230,000
	Prior Biennia (Expenditures)	\$	133,374
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	363,374
(15)	State-wide: Boat traffic control (88-1-013)		
	Reappropriation:		
	ORA-State	\$	20,000
	Prior Biennia (Expenditures)	\$	12,613
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	32,613
(16)	Saint Edward: Light entrance trail and comfort station (88-1-041)		
	Reappropriation:		
	St Bldg Constr Acct	\$	210,000
	Prior Biennia (Expenditures)	\$	12,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	222,000
(17)	State-wide: Boating facilities (88-2-011)		
	Reappropriation:		
	ORA-State	\$	20,000
	Prior Biennia (Expenditures)	\$	91,263
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	111,263
(18) State-wide:	Boating facilities (88-2-012)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	374,736
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	474,736
(19) State-wide:	Park facility renovation (88-2-025)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	LIRA, Public Rec Fac	\$	17,000
	Subtotal Reappropriation	\$	47,000
	Prior Biennia (Expenditures)	\$	209,146
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	256,146
(20) Camp Wooten:	Comfort station (88-2-041)		
	Reappropriation:		
	St Bldg Constr Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	107,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	157,000
(21) Camano Island:	Point Lowell road relocation (88-3-043)		
	Reappropriation:		
	Motor Vehicle Acct	\$	580,000
	Prior Biennia (Expenditures)	\$	141,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	721,000
(22) Maryhill:	Development (88-5-035)		

Not more than \$75,000 of the appropriation in this subsection may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.

	Reappropriation:		
	St Bldg Constr Acct	\$	930,000
	Prior Biennia (Expenditures)	\$	146,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,076,000
(23)	Ocean beaches: Acquisition of ocean beaches (88-5-036)		
	Reappropriation:		
	St Bldg Constr Acct	\$	430,000
	Prior Biennia (Expenditures)	\$	24,503
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	454,503
(24)	Crystal Falls: Acquisition and development (88-5-057)		
	Reappropriation:		
	St Bldg Constr Acct	\$	25,000
	Prior Biennia (Expenditures)	\$	3,799
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	28,799
(25)	Blake Island: Fire protection system (89-1-050)		
	Reappropriation:		
	St Bldg Constr Acct	\$	108,000
	Prior Biennia (Expenditures)	\$	10,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	118,000
(26)	State-wide: Water supply and irrigation (89-1-101)		
	Reappropriation:		
	St Bldg Constr Acct	\$	190,000
	Prior Biennia (Expenditures)	\$	85,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	275,000
(27)	State-wide: Sanitary facilities (89-1-102)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	2,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	152,000
(28)	Electrical code compliance: To complete electrical code compliance projects (89-1-103)		
	Reappropriation:		
	St Bldg Constr Acct	\$	140,000
	ORA-State	\$	45,000

	Subtotal Reappropriation	\$	185,000
	Prior Biennia (Expenditures)	\$	109,700
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	394,700
(29)	Moran: Renovate mountain lake dam (89-1-110)		
	Reappropriation:	\$	40,000
	Prior Biennia (Expenditures)	\$	104,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	144,000
(30)	State-wide: Compliance with safe drinking water act (89-1-116)		
	Reappropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	161,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	441,000
(31)	Camp Wooten: Sewage system renovation, phase 2 (89-1-122)		
	Reappropriation:		
	St Bldg Constr Acct	\$	40,000
	Prior Biennia (Expenditures)	\$	98,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	138,000
(32)	Sacajawea: Modify river floats (89-1-129)		
	Reappropriation:		
	ORA-State	\$	190,000
	Prior Biennia (Expenditures)	\$	2,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	192,000
(33)	State-wide: Boating and marine construction (89-2-106)		
	Reappropriation:		
	St Bldg Constr Acct	\$	135,000
	ORA-State	\$	545,000
	Subtotal Reappropriation	\$	680,000
	Prior Biennia (Expenditures)	\$	173,300
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	853,300
(34) State-wide:	General construction (89-2-107)		
	Reappropriation:		
	St Bldg Constr Acct	\$	410,000
	Prior Biennia (Expenditures)	\$	150,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	560,000
(35) State-wide:	General construction (89-2-109)		
	Reappropriation:		
	St Bldg Constr Acct	\$	185,000
	Prior Biennia (Expenditures)	\$	34,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	219,000
(36) Westhaven:	Comfort station replacement (89-2-119)		
	Reappropriation:		
	St Bldg Constr Acct	\$	400,000
	Prior Biennia (Expenditures)	\$	23,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	423,000
(37) Lake Sammamish:	Boat launch repairs (89-2-139)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	14,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	114,000
(38) State-wide:	Site and environmental protection (89-3-104)		
	Reappropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	20,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(39) State-wide:	Acquisition (89-3-105)		
	Reappropriation:		
	St Bldg Constr Acct	\$	65,000
	Prior Biennia (Expenditures)	\$	50,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	115,000
(40) State-wide:	Weatherproofing (89-3-108)		
	Reappropriation:		
	St Bldg Constr Acct	\$	83,000
	Prior Biennia (Expenditures)	\$	84,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	167,000
(41) Fort Worden:	Rebuild boat launch breakwater (89-3-135)		
	Reappropriation:		
	ORA-State	\$	300,000
	Prior Biennia (Expenditures)	\$	15,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	315,000
(42) Larrabee:	Development (89-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	315,000
	ORA-Federal	\$	140,540
	Subtotal Reappropriation	\$	455,540
	Prior Biennia (Expenditures)	\$	25,350
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	480,890
(43) Spokane Centennial Trail:	Acquisition and initial development (89-5-112)		
	Reappropriation:		
	General Fund-Federal	\$	3,500,000
	St Bldg Constr Acct	\$	107,000
	ORA-Federal	\$	119,000
	Subtotal Reappropriation	\$	3,926,000
	Prior Biennia (Expenditures)	\$	3,883,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,809,000
(44) Fort Casey:	Acquire Keystone Spit, phase 2 (89-5-113)		
	Reappropriation:		
	ORA-Federal	\$	103,000
	Prior Biennia (Expenditures)	\$	302,693
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	405,693
(45) Belfair: Acquisition, phase 2 (89-5-114)			
	Reappropriation:		
	ORA-Federal	\$	27,000
	Prior Biennia (Expenditures)	\$	221,805
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	248,805
(46) Fort Canby: Initial development, Beard's Hollow (89-5-115)			
	Reappropriation:		
	St Bldg Constr Acct	\$	270,000
	Prior Biennia (Expenditures)	\$	19,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	289,000
(47) Ocean beaches access: Comfort station and parking areas (89-5-120)			
	Reappropriation:		
	St Bldg Constr Acct	\$	298,000
	ORA-Federal	\$	316,000
	Subtotal Reappropriation	\$	614,000
	Prior Biennia (Expenditures)	\$	42,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	656,000
(48) Spokane Centennial Trail: Initial development, the islands (89-5-166)			
	Reappropriation:		
	St Bldg Constr Acct	\$	233,000
	Prior Biennia (Expenditures)	\$	17,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	250,000
(49) Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)			

The appropriation in this subsection is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.

	Reappropriation:		
	St Bldg Constr Acct	\$	765,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	765,000

(50) Snohomish county: Snohomish Centennial Trail (89-5-170)		
Reappropriation:		
St Bldg Constr Acct	\$	852,000
Prior Biennia (Expenditures)	\$	248,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,100,000
(51) Dougs Beach: Initial development, windsurfing access (90-1-171)		
Reappropriation:		
St Bldg Constr Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	120,000
(52) State-wide: Omnibus facility contingency (90-2-002)		
Appropriation:		
St Bldg Constr Acct	\$	239,400
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,232,000

TOTAL	\$	1,471,400
(53) State-wide: Underground storage tank, environmental compliance, phase 1 (90-2-003)		
Appropriation:		
St Bldg Constr Acct	\$	1,900,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,000,000

TOTAL	\$	7,900,000
(54) State-wide: Emergency and unforeseen needs (91-1-001)		
Appropriation:		
St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	700,000

TOTAL	\$	1,050,000
(55) Iron Horse: John Wayne Trail, tunnel (91-1-005)		
Reappropriation:		
St Bldg Constr Acct	\$	185,000
Prior Biennia (Expenditures)	\$	11,000
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	196,000
(56) Colville Tribes Interpretive Center (90-5-172)	Reappropriation:		
	State General Fund	\$	25,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	25,000
(57) Iron Horse: Acquisition and trail safety (91-1-006)	Reappropriation:		
	Trust Land Purchase Acct	\$	18,000
	Prior Biennia (Expenditures)	\$	182,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	200,000
(58) State-wide: Omnibus minor projects, utilities (91-2-004)	Appropriation:		
	St Bldg Constr Acct	\$	1,818,300
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,356,000
	TOTAL	\$	3,174,300
(59) State-wide: Omnibus minor projects, general construction (91-2-005)	Appropriation:		
	St Bldg Constr Acct	\$	1,918,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	5,342,000
	TOTAL	\$	7,260,000
(60) Deception Pass: Renovate park sewer system, phase 1 construction (91-2-006)	Appropriation:		
	St Bldg Constr Acct	\$	968,500
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	968,500
(61) Triton Cove: Renovation (91-2-008)	Appropriation:		
	ORA-State	\$	582,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	582,000
(62) State-wide:	Omnibus minor works, boating and marine construction (91-2-009)		
	Appropriation:		
	ORA-State	\$	379,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,000,000
	TOTAL	\$	2,379,000
(63) Yakima:	Acquisition, phased project (91-5-028)		
	Appropriation:		
	ORA-Federal	\$	152,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	152,000
(64) Haley property:	Initial development (91-5-030)		
	Appropriation:		
	ORA-Federal	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	500,000
(65) Rasar:	Initial development (91-5-032)		
	Appropriation:		
	ORA-Federal	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	500,000
(66) Colbert House:	Acquisition of two lots, renovation and preservation (91-5-052)		
	Appropriation:		
	ORA-Federal	\$	57,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	57,000
(67) Lake Isabella:	Acquisition, phase 2 (91-5-065)		
	Appropriation:		
	ORA-Federal	\$	335,000
	Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>335,000</u>
 (68) Ocean beaches: Ocean beach access development (91-5-069)		
Appropriation:		
ORA-Federal	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>100,000</u>
 (69) Ocean beaches: Ocean beach access development (91-5-076)		
Appropriation:		
ORA-Federal	\$	281,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>281,000</u>
 (70) Steamboat Rock: Random camp area, Jones Bay (95-2-182)		
Reappropriation:		
St Bldg Constr Acct	\$	143,000
Prior Biennia (Expenditures)	\$	8,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>151,000</u>
 (71) Mountains to Sound: For acquisition of forest land on Rattlesnake Ridge across from Mount Si that when connected with other publicly owned land will help to obtain a continuous green belt and recreation area from Snoqualmie Pass to Puget Sound		
<p>The appropriation in this subsection shall be matched by \$3,500,000 from other sources provided for the same purpose.</p>		
Appropriation:		
St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	<u>1,000,000</u>
 (72) St. Edward: New gutters and drops		
Appropriation:		
St Bldg Constr Acct	\$	26,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<u> </u>

	TOTAL	\$	26,000
(73) St. Edward: Gym renovation and parking expansion	Appropriation:		
	St Bldg Constr Acct	\$	665,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	665,000
(74) Omnibus facility contingency: For storm damage repair caused by November and December, 1990 storms, and January, 1991 storms (90-1-001)	Appropriation:		
	St Bldg Constr Acct	\$	360,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	700,000
	TOTAL	\$	1,060,000
(75) Washington State International Equestrian Center at Lewis and Clark state park	Appropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	200,000
NEW SECTION. Sec. 19. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION			
(1) Grants to public agencies (90-2-001)	Reappropriation:		
	St Bldg Constr Acct	\$	498,000
	ORA-Federal	\$	637,000
	ORA-State	\$	1,911,000
	Firearms Range Acct	\$	405,000
	Subtotal Reappropriation	\$	3,451,000
	Prior Biennia (Expenditures)	\$	6,254,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	9,705,000
(2) Wildlife conservation and recreation (90-5-002)	Reappropriation:		
	ORA-State	\$	22,000,000
	Habitat Conservation Acct	\$	21,830,000
	Subtotal Reappropriation	\$	43,830,000
	Prior Biennia (Expenditures)	\$	9,170,000
	Future Biennia (Projected Costs)	\$	0

TOTAL	\$	53,000,000
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(3) Grants to public agencies (92-2-001)

The appropriations in this subsection are subject to the following conditions and limitations: \$150,000 of the outdoor recreation account-state appropriation may be used to update the off-road vehicle guide.

Appropriation:		
General Fund-State	\$	660,000
ORA-Federal	\$	2,000,000
ORA-State	\$	7,750,000
Firearms Range Acct	\$	222,000
Subtotal Appropriation	\$	10,632,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	21,764,000
TOTAL	\$	32,396,000

(4) Washington wildlife recreation program: Grants to state agencies

The appropriations in this subsection are subject to the following conditions and limitations:

(a) When purchasing critical habitat lands east of the cascade crest, the Washington department of wildlife may only purchase noncontiguous parcels of fewer than one hundred acres, with the exception that the department may purchase larger parcels in the Methow Valley for protection of the state's largest migratory mule deer route.

(b) \$138,000 of the outdoor recreation account may be used for additional program staff for administration.

Appropriation:		
ORA-State	\$	12,500,000
Habitat Conservation Acct	\$	19,722,000
Subtotal Appropriation	\$	32,222,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	64,444,000
TOTAL	\$	96,666,000

(5) Washington wildlife recreation program: Grants to local governments

Appropriation:		
ORA-State	\$	12,500,000
Habitat Conservation Acct	\$	5,278,000
Subtotal Appropriation	\$	17,778,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	35,556,000

TOTAL	\$	53,334,000
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- (6) Clear Creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

Appropriation:

St Bldg Constr Acct	\$	1,750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		1,750,000

- (7) For Seattle-King county playing fields

The appropriation in this subsection is contingent upon matching funds from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		250,000

NEW SECTION. Sec. 20. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

- (1) Community economic revitalization board (86-1-001)

\$2,000,000 of the state building and construction account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-dependent under Engrossed Substitute Senate Bill No. 5555. In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Appropriation:

Pub Fac Constr Loan Rev Acct	\$	2,000,000
St Bldg Constr Acct	\$	4,000,000
Subtotal Appropriation		6,000,000
Prior Biennia (Expenditures)	\$	7,429,000
Future Biennia (Projected Costs)	\$	0
TOTAL		13,429,000

- (2) Mt. St. Helens road and visitor center (90-5-002)

The appropriation in this subsection shall not exceed twenty-five percent of the total project cost and is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

Reappropriation:

St Bldg Constr Acct	\$	3,700,000
Prior Biennia (Expenditures)	\$	1,900,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,600,000

(3) Agricultural complex: Yakima (89-2-005)

The appropriation in this subsection is contingent on a contribution of an equal amount of funds from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	843,000
Prior Biennia (Expenditures)	\$	3,157,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,000,000

(4) Washington Technology Center (88-1-003)

The appropriation in this subsection is provided solely for transfer to and administration by the University of Washington....

Reappropriation:

St Bldg Constr Acct	\$	2,950,000
Prior Biennia (Expenditures)	\$	12,852,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	15,802,000

(5) Port infrastructure development projects

The appropriation in this subsection is provided solely for the port of Grays Harbor for paving an existing cargo storage yard and construction of a cargo storage facility. This appropriation is subject to a favorable review by the department of a proposal prepared by the port of Grays Harbor describing how this project will: (a) Have a high probability of success using standard economic principles; (b) provide long-term economic benefits to the community; (c) include local participation; and (d) be consistent with the community's economic strategy and goals.

Appropriation:

St Bldg Constr Acct	\$	4,600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,600,000

NEW SECTION. Sec. 21. FOR THE STATE CONSERVATION COMMISSION

(1) Water quality account (90-2-001)

	Reappropriation:		
	Water Quality Acct	\$	430,000
	Appropriation:		
	Water Quality Acct	\$	2,140,000
	Prior Biennia (Expenditures)	\$	1,994,000
	Future Biennia (Projected Costs)	\$	3,946,000

	TOTAL	\$	8,510,000
	<u>NEW SECTION.</u> Sec. 22. FOR THE DEPARTMENT OF FISHERIES		
(1)	Habitat: Salmon enhancement program (77-5-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	15,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,235,000
	Prior Biennia (Expenditures)	\$	906,000
	Future Biennia (Projected Costs)	\$	2,400,000

	TOTAL	\$	4,556,000
(2)	Hood Canal Bridge: Public fishing access (79-2-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	Prior Biennia (Expenditures)	\$	22,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	52,000
(3)	Safety, health, and code compliance (86-1-020)		
	\$1,239,000 of the appropriation in this subsection is provided solely for pollution abatement programs at state salmon hatcheries necessary to meet requirements of state and federal clean water legislation.		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,589,000
	Prior Biennia (Expenditures)	\$	559,000
	Future Biennia (Projected Costs)	\$	1,800,000

	TOTAL	\$	4,248,000
(4)	Towhead Island public access renovation (86-3-028)		
	Reappropriation:		
	ORA-Federal	\$	20,000
	ORA-State	\$	170,000

	Subtotal Reappropriation	\$	190,000
	Prior Biennia (Expenditures)	\$	21,000

	Future Biennia (Projected Costs) \$	0
	TOTAL \$	211,000
(5)	Knappton boat launch (86-3-038)	
	Reappropriation:	
	ORA-Federal \$	43,000
	Prior Biennia (Expenditures) \$	11,000
	Future Biennia (Projected Costs) \$	0
	TOTAL \$	54,000
(6)	McAllister: Improvements (88-2-003)	
	Reappropriation:	
	St Bldg Constr Acct \$	50,000
	Prior Biennia (Expenditures) \$	126,999
	Future Biennia (Projected Costs) \$	0
	TOTAL \$	176,999
(7)	Clam and oyster beach (88-5-002)	
	Reappropriation:	
	St Bldg Constr Acct \$	1,000,000
	Prior Biennia (Expenditures) \$	1,123,156
	Future Biennia (Projected Costs) \$	1,200,000
	TOTAL \$	3,323,156
(8)	Fish protection facilities (88-5-012)	
	Reappropriation:	
	St Bldg Constr Acct \$	30,000
	Appropriation:	
	St Bldg Constr Acct \$	445,000
	Prior Biennia (Expenditures) \$	221,100
	Future Biennia (Projected Costs) \$	600,000
	TOTAL \$	1,296,100
(9)	Coast and Puget Sound salmon enhancement (88-5-016)	
	Reappropriation:	
	Salmon Enhancement Acct \$	608,320
	St Bldg Constr Acct \$	2,500,000
	Subtotal Reappropriation \$	3,108,320
	Prior Biennia (Expenditures) \$	1,353,517
	Future Biennia (Projected Costs) \$	3,750,000

	TOTAL	\$	8,211,837
(10) Shorefishing access (88-5-018)	Reappropriation:		
	St Bldg Constr Acct	\$	550,000
	Prior Biennia (Expenditures)	\$	521,946
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,071,946
(11) South Sound net pen support (90-2-007)	Reappropriation:		
	St Bldg Constr Acct	\$	175,000
	Prior Biennia (Expenditures)	\$	168,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	343,000
(12) Humptulips: Upgrade intake dam (90-2-010)	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	Prior Biennia (Expenditures)	\$	183,100
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	213,100
(13) Salmon culture: Minor works projects (90-2-011)	Reappropriation:		
	St Bldg Constr Acct	\$	75,000
	Appropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	580,000
	Future Biennia (Projected Costs)	\$	1,100,000
	TOTAL	\$	2,255,000
(14) Habitat management shop building (90-2-012)	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	235,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	435,000
(15) Field services: Minor works (90-2-015)	Reappropriation:		
	St Bldg Constr Acct	\$	65,000
	Appropriation:		

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	170,000
Future Biennia (Projected Costs)	\$	350,000
		<hr/>
TOTAL	\$	785,000
 (16) Salmon culture: Minor capital projects (90-2-017)		
Reappropriation:		
St Bldg Constr Acct	\$	200,000
Appropriation:		
St Bldg Constr Acct	\$	767,300
Prior Biennia (Expenditures)	\$	468,700
Future Biennia (Projected Costs)	\$	1,500,000
		<hr/>
TOTAL	\$	2,936,000
 (17) George Adams: Water supply (90-2-019)		
Reappropriation:		
St Bldg Constr Acct	\$	175,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	175,000
 (18) Ilwaco boat access expansion (90-2-023)		
Reappropriation:		
ORA-State	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	300,000
 (19) Bonneville pool boat access (90-2-028)		
Reappropriation:		
ORA-State	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	100,000
 (20) Hood Canal boat access development (86-3-035)		
The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1992, the appropriation in this section shall lapse.		
Reappropriation:		
ORA-Federal	\$	30,000
ORA-State	\$	270,000
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	Subtotal Reappropriation	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(21)	Property acquisition (90-3-009)		
	Reappropriation:		
	St Bldg Constr Acct	\$	80,000
	Prior Biennia (Expenditures)	\$	250,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	330,000
(22)	Shellfish surveys and Point Whitney repairs (90-3-013)		
	Appropriation:		
	St Bldg Constr Acct	\$	100,000
	Prior Biennia (Expenditures)	\$	175,000
	Future Biennia (Projected Costs)	\$	250,000
	TOTAL	\$	525,000
(23)	Strait of Juan de Fuca: Shoreline acquisition (90-5-025)		
	Reappropriation:		
	ORA-State	\$	350,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	350,000
(24)	Kingston boat launch (90-5-027)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	100,000
(25)	Fuel tanks: Code compliance program (92-1-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	225,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	600,000
	TOTAL	\$	825,000
(26)	Repair and replace fishing reef buoys (92-1-003)		

Appropriation:	
St Bldg Constr Acct	\$ 75,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 100,000

TOTAL	\$ 175,000
(27) Develop pathogen-free water and isolation incubation systems (92-2-005)	
Appropriation:	
St Bldg Constr Acct	\$ 500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 500,000
(28) Minter Creek hatchery: Reconstruction, phase 1 (92-2-016)	
Appropriation:	
St Bldg Constr Acct	\$ 3,300,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 800,000

TOTAL	\$ 4,100,000
(29) Construct and remodel coastal field station (92-3-009)	
Appropriation:	
St Bldg Constr Acct	\$ 750,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 750,000
(30) Water access and development (92-3-030)	
Appropriation:	
ORA-State	\$ 1,250,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,250,000
(31) Reconstruction of the Toutle river hatchery	
Appropriation:	
St Bldg Constr Acct	\$ 5,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 5,000,000

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF WILDLIFE

(1)	Satsop river acquisition and development (86-2-029)		
	Reappropriation:		
	ORA-State	\$	55,254
	Prior Biennia (Expenditures)	\$	17,796
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	73,050
(2)	Mineral Lake: Site improvements (86-3-028)		
	Reappropriation:		
	ORA-State	\$	4,397
	Prior Biennia (Expenditures)	\$	35,949
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	40,346
(3)	Aberdeen fish hatchery expansion (89-5-017)		
	Reappropriation:		
	Game Spec Wildlife Acct	\$	8,699
	Prior Biennia (Expenditures)	\$	731,301
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	740,000
(4)	Health, safety, and code compliance (90-1-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	262,484
	Prior Biennia (Expenditures)	\$	337,516
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	600,000
(5)	Minor repairs: To complete minor works and emergency repairs, including public fishing access minor works repair (90-1-014) and emergency repair and replacement (90-2-002)		
	Reappropriation:		
	Wildlife Account-Federal	\$	40,000
	Wildlife Account-State	\$	32,000
	Subtotal Reappropriation	\$	72,000
	Prior Biennia (Expenditures)	\$	1,103,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,174,990
(6)	Hatchery renovation and improvement (90-2-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	335,000

	Wildlife Account-Federal	\$	200,000
	Wildlife Account-State	\$	150,000

	Subtotal Reappropriation	\$	685,000
	Prior Biennia (Expenditures)	\$	2,565,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	3,250,000
(7)	Redevelopment of public fishing access sites (90-2-007)		
	Reappropriation:		
	ORA-State	\$	800,000
	Prior Biennia (Expenditures)	\$	326,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,126,000
(8)	Develop public fishing access sites (90-2-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	288,000
	Game Spec Wildlife Acct	\$	136,000

	Subtotal Reappropriation	\$	424,000
	Prior Biennia (Expenditures)	\$	6,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	430,000
(9)	Wildlife area repair and development (90-2-016)		
	Reappropriation:		
	Wildlife Account-Federal	\$	45,000
	Wildlife Account-State	\$	65,000

	Subtotal Reappropriation	\$	110,000
	Prior Biennia (Expenditures)	\$	200,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	310,000
(10)	Office repairs and improvements (90-2-020)		
	The reappropriation in this subsection is subject to the following conditions and limitations: There shall be no expenditure of funds related to the expansion, renovation, or remodeling of facilities in Olympia, with the exception of the remodel of the Olympia warehouse.		
	Reappropriation:		
	Wildlife Account-State	\$	511,000
	Prior Biennia (Expenditures)	\$	69,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	580,000
(11)	Regional offices facility relocation (90-2-021)		
	Reappropriation:		
	Wildlife Account-State	\$	1,394,000
	Prior Biennia (Expenditures)	\$	216,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,610,000
(12)	State-wide fencing repair and replacement (90-3-015)		
	Reappropriation:		
	Wildlife Account-State	\$	141,000
	Prior Biennia (Expenditures)	\$	627,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	768,000
(13)	Migratory waterfowl habitat acquisition (90-5-005)		
	Reappropriation:		
	Wildlife Account-State	\$	200,000
	Prior Biennia (Expenditures)	\$	150,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	350,000
(14)	Acquisition of critical water access (90-5-009)		
	Reappropriation:		
	ORA-State	\$	17,619
	Wildlife Account-Federal	\$	100,000
	Subtotal Reappropriation	\$	117,619
	Prior Biennia (Expenditures)	\$	2,631
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	120,250
(15)	Puyallup tribal settlement (90-5-100)		
	Reappropriation:		
	St Bldg Constr Acct	\$	794,500
	Prior Biennia (Expenditures)	\$	5,500
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	800,000
(16)	Health, safety, and code compliance (92-1-001)		
	Appropriation:		

St Bldg Constr Acct	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,200,000
		<hr/>
TOTAL	\$	1,700,000
 (17) Public fishing access minor works repair (92-1-004)		
Appropriation:		
Wildlife Account-Federal	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	650,000
		<hr/>
TOTAL	\$	950,000
 (18) Public access toilet replacement (92-1-005)		
Appropriation:		
Wildlife Account-Federal	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	600,000
		<hr/>
TOTAL	\$	800,000
 (19) Emergency repair and replacement (92-2-002)		
Appropriation:		
St Bldg Constr Acct	\$	345,000
		<hr/>
Subtotal Appropriation	\$	345,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	690,000
		<hr/>
TOTAL	\$	1,035,000
 (20) Facility small repair and improvement (92-2-003)		
Appropriation:		
St Bldg Constr Acct	\$	499,500
		<hr/>
Subtotal Appropriation	\$	499,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	836,000
		<hr/>
TOTAL	\$	1,335,500
 (21) Wildlife area repair and development (92-2-007)		
Appropriation:		
St Bldg Constr Acct	\$	200,000
Wildlife Account-Federal	\$	50,000
		<hr/>

Subtotal Appropriation	\$	250,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	500,000
		<hr/>
TOTAL	\$	1,000,000

(22) Hatchery renovation and improvement (92-2-009)

The appropriation in this subsection is subject to the following conditions and limitations: \$900,000 of this appropriation shall be spent solely for pollution abatement programs at state game fish hatcheries necessary to meet requirements of state and federal clean water legislation.

Appropriation:		
St Bldg Constr Acct	\$	2,000,000
Wildlife Account-Federal	\$	1,000,000
		<hr/>
Subtotal Appropriation	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	6,000,000
		<hr/>
TOTAL	\$	9,000,000

(23) Mitigation and dedicated funding projects (92-2-011)

Appropriation:		
Wildlife Account-Federal	\$	3,100,000
Wildlife Account-Private/Local	\$	4,850,000
Game Spec Wildlife Acct	\$	50,000
		<hr/>
Subtotal Appropriation	\$	8,000,000
Prior Biennia (Expenditures)	\$	769,000
Future Biennia (Projected Costs)	\$	16,000,000
		<hr/>
TOTAL	\$	24,769,000

(24) Wildlife area repair and development (92-2-023)

Appropriation:		
St Bldg Constr Acct	\$	107,500
		<hr/>
Subtotal Appropriation	\$	107,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	215,000
		<hr/>
TOTAL	\$	322,500

(25) Hatchery renovation and improvement (92-2-025)

Appropriation:		
St Bldg Constr Acct	\$	304,000
		<hr/>
Subtotal Appropriation	\$	304,000

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	5,740,000

	TOTAL	\$	6,044,000
(26)	Acquisition, development, and redevelopment (92-2-015)		
	Appropriation:		
	ORA-State	\$	694,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,750,000

	TOTAL	\$	2,444,000
(27)	State-wide fencing repair and replacement (92-3-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	75,000
	Wildlife Account-State	\$	425,000

	Subtotal Appropriation	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,000,000

	TOTAL	\$	1,500,000
(28)	Skagit wildlife area dike repair (92-3-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	171,250

	Subtotal Appropriation	\$	171,250
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	171,250
(29)	Migratory waterfowl habitat acquisition (92-5-012)		
	Appropriation:		
	Wildlife Account-State	\$	350,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	700,000

	TOTAL	\$	1,050,000
(30)	Migratory waterfowl habitat development (92-5-013)		
	Appropriation:		
	Wildlife Account-State	\$	350,000
	Prior Biennia (Expenditures)	\$	450,000
	Future Biennia (Projected Costs)	\$	700,000

TOTAL	\$	1,500,000
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(31) Acquisition of wildlife habitat surplus property (92-5-014)

\$750,000 of the appropriation in this subsection may not be expended without first selling state-owned land of equal or greater value.

Appropriation:

Wildlife Account-State	\$	1,000,000
Prior Biennia (Expenditures)	\$	600,000
Future Biennia (Projected Costs)	\$	2,000,000

TOTAL	\$	3,600,000

(32) Acquisition and development of recreation sites at Luhrs Landing nature trail (92-5-016)

Appropriation:

St Bldg Constr Acct	\$	450,000
Prior Biennia (Expenditures)	\$	294,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	744,000

(33) Habitat enhancement fund (92-5-022)

Appropriation:

Wildlife Account-Private/Local	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,000,000

TOTAL	\$	1,500,000

(34) Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this subsection is contingent on an in-kind contribution of dollars or services from nonstate sources of at least \$200,000.

Appropriation:

St Bldg Const Acct	\$	4,684,166
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,684,166

NEW SECTION. Sec. 24. FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Aquatic land enhancement (86-3-020)

Reappropriation:

Aquatic Lands Acct	\$	3,924,000
Prior Biennia (Expenditures)	\$	301,000
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 4,225,000

(2) Natural area preserves--Property purchases (88-02-061)

This appropriation is provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this subsection.

Reappropriation:

Conservation Area Acct \$ 280,000

Prior Biennia (Expenditures) \$ 5,191,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 5,471,000

(3) Woodard Bay natural resource conservation area fencing development (90-3-103)

Reappropriation:

St Bldg Constr Acct \$ 170,000

Prior Biennia (Expenditures) \$ 100,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 270,000

(4) Dishman Hills protection development (90-3-104)

Reappropriation:

St Bldg Constr Acct \$ 70,000

Prior Biennia (Expenditures) \$ 50,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 120,000

(5) Natural area preserves management (90-3-105)

Reappropriation:

St Bldg Constr Acct \$ 55,000

Prior Biennia (Expenditures) \$ 95,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 150,000

(6) Construct and improve recreation sites (90-5-201)

Reappropriation:

St Bldg Constr Acct \$ 170,000

Prior Biennia (Expenditures) \$ 320,000

Future Biennia (Projected Costs) \$ 0

	TOTAL	\$	490,000
(7)	Seattle waterfront, phase 1 development (90-5-202)		
	Reappropriation:		
	ORA-State	\$	749,000
	Prior Biennia (Expenditures)	\$	1,000
	Future Biennia (Projected Costs)	\$	750,000
	TOTAL	\$	1,500,000
(8)	Woodard Bay health and safety development (90-5-203)		
	Reappropriation:		
	St Bldg Constr Acct	\$	70,000
	Prior Biennia (Expenditures)	\$	200,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	270,000
(9)	Long Lake, phase 2 development (90-5-204)		
	Reappropriation:		
	ORV Acct	\$	140,000
	ORA-State	\$	140,000
	Subtotal Reappropriation	\$	280,000
	Prior Biennia (Expenditures)	\$	185,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	465,000
(10)	Underground storage tanks (92-1-103)		
	Appropriation:		
	Forest Development Acct	\$	147,000
	Res Mgmt Cost Acct	\$	472,000
	St Bldg Constr Acct	\$	181,000
	Subtotal Appropriation	\$	800,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,960,000
	TOTAL	\$	2,760,000
(11)	State-wide emergency repairs (92-1-104)		
	Appropriation:		
	Forest Development Acct	\$	14,300
	Res Mgmt Cost Acct	\$	53,700
	St Bldg Constr Acct	\$	32,000
	Subtotal Appropriation	\$	100,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	200,000
		<hr/>
TOTAL	\$	300,000
 (12) Environmental protection (92-1-105)		
Appropriation:		
Forest Development Acct	\$	113,200
Res Mgmt Cost Acct	\$	232,800
St Bldg Constr Acct	\$	154,000
		<hr/>
Subtotal Appropriation	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	607,700
		<hr/>
TOTAL	\$	1,107,700
 (13) Northwest region office expansion: Design and construction (92-1-102)		
Appropriation:		
Forest Development Acct	\$	286,200
Res Mgmt Cost Acct	\$	297,800
St Bldg Constr Acct	\$	216,000
		<hr/>
Subtotal Appropriation	\$	800,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	800,000
 (14) Southwest region office space expansion: Design and construction (92-1-106)		
Appropriation:		
Forest Development Acct	\$	193,100
Res Mgmt Cost Acct	\$	302,000
St Bldg Constr Acct	\$	255,000
		<hr/>
Subtotal Appropriation	\$	750,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	750,100
 (15) Minor works: Building and compound (92-1-107)		
Appropriation:		
Forest Development Acct	\$	111,700
Res Mgmt Cost Acct	\$	215,200
St Bldg Constr Acct	\$	158,500
		<hr/>
Subtotal Appropriation	\$	485,400
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs)	\$	2,333,400
TOTAL	\$	2,818,800
 (16) Facilities: Small repairs and improvements (92-1-108)		
Appropriation:		
Forest Development Acct	\$	21,800
Res Mgmt Cost Acct	\$	53,300
St Bldg Constr Acct	\$	25,000
Subtotal Appropriation	\$	100,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	194,000
TOTAL	\$	294,100
 (17) Emergency repairs recreation sites (92-1-206)		
Appropriation:		
St Bldg Constr Acct	\$	100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	200,000
TOTAL	\$	300,000
 (18) Environmental clean-up: Trust and forest board lands (92-1-404)		
Appropriation:		
Forest Development Acct	\$	150,000
Res Mgmt Cost Acct	\$	350,000
Subtotal Appropriation	\$	500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,000,000
TOTAL	\$	1,500,000
 (19) Right of way acquisitions (92-2-401)		
Appropriation:		
Forest Development Acct	\$	200,000
Res Mgmt Cost Acct	\$	590,000
Subtotal Appropriation	\$	790,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,035,000
TOTAL	\$	1,825,000
 (20) Regional seedling cold storage (92-2-406)		
Appropriation:		
Forest Development Acct	\$	165,000

Res Mgmt Cost Acct	\$	202,000
Subtotal Appropriation	\$	367,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	367,000
TOTAL	\$	734,000
 (21) Real estate property, small repairs and improvements (92-2-407)		
Appropriation:		
Res Mgmt Cost Acct	\$	390,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	780,000
TOTAL	\$	1,170,000
 (22) Communication site repair and replacement (92-2-408)		
Appropriation:		
Forest Development Acct	\$	66,000
Res Mgmt Cost Acct	\$	264,000
Subtotal Appropriation	\$	330,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	600,000
TOTAL	\$	1,080,000
 (23) Irrigation pipeline replacement (92-2-409)		
Appropriation:		
Res Mgmt Cost Acct	\$	595,000
Prior Biennia (Expenditures)	\$	532,000
Future Biennia (Projected Costs)	\$	600,000
TOTAL	\$	1,727,000
 (24) Roads and bridges (92-2-801)		
Appropriation:		
ORV Acct	\$	74,000
Forest Development Acct	\$	90,000
Res Mgmt Cost Acct	\$	200,000
Subtotal Appropriation	\$	364,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	4,236,000
TOTAL	\$	4,600,000
 (25) Natural area preserves protection (92-3-202)		

	Appropriation:		
	St Bldg Constr Acct	\$	119,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	300,000
	TOTAL	\$	419,000
(26)	Commercial development, local improvement district (92-3-402)		
	Appropriation:		
	Res Mgmt Cost Acct	\$	910,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,820,000
	TOTAL	\$	2,730,000
(27)	Emergency repairs: Irrigation (92-3-405)		
	Appropriation:		
	Res Mgmt Cost Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	400,000
	TOTAL	\$	600,000
(28)	Aquatic land enhancement grants (92-3-501)		
	Appropriation:		
	Aquatic Lands Acct	\$	3,020,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	6,040,000
	TOTAL	\$	9,060,000
(29)	Land bank (92-4-403)		
	Appropriation:		
	Res Mgmt Cost Acct	\$	18,000,000
	Prior Biennia (Expenditures)	\$	12,000,000
	Future Biennia (Projected Costs)	\$	36,000,000
	TOTAL	\$	66,000,000
(30)	Irrigation development (92-2-410)		
	Appropriation:		
	Res Mgmt Cost Acct	\$	609,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,167,000
	TOTAL	\$	3,776,000

(31) Construct and improve recreation sites (92-5-201)

Appropriation:	
ORV Acct	\$ 325,000
St Bldg Constr Acct	\$ 400,000
ORA-State	\$ 450,000

Subtotal Appropriation	\$ 1,175,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,600,000

TOTAL	\$ 2,775,000

(32) Thurston county road agreement (92-3-802)

Appropriation:	
Access Road Rev Acct	\$ 2,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 4,000,000

TOTAL	\$ 6,000,000

(33) Cedar river dredging: For dredging of the delta where the Cedar river flows into Lake Washington, for the purpose of flood control and improved safety at Renton airport

The appropriation in this subsection is contingent upon a match of at least \$500,000 from nonstate sources.

Appropriation:	
St Bldg Constr Acct	\$ 1,082,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,082,000

NEW SECTION. Sec. 25. FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the commission and the department of natural resources ("department") as suitable and recommended for addition to the state parks system as described in the joint study under section 4, chapter 163, Laws of 1985. All or part of the following lands shall be acquired:

- (a) Diamond Point, in Clallam county, on the Strait of Juan de Fuca;
- (b) Lord Hill, in Snohomish county, west of Monroe;
- (c) Beacon Rock, in Skamania county, adjacent to Beacon Rock State Park;
- (d) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;
- (e) South Whidbey, in Island county, adjacent to South Whidbey State park;

(f) Wallace Falls addition, in Snohomish county, adjacent to Wallace Falls State Park;

(g) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;

(h) Point Lawrence in San Juan county at the extreme east point of Orcas Island;

(i) Hoypus Hill in Island county south of the Hoypus Point Natural Forest Area at Deception Pass State Park;

(j) Steamboat Rock in Grant county on Osborne Bay on the Banks Lake reservoir; and

(k) Lake Easton in Kittitas county west of Lake Easton State Park near the town of Easton.

(2) If the boundaries of the properties acquired under this section vary in any significant aspect from the property boundaries identified in the study, the commission shall report to the appropriate committees of the legislature, describing the boundary variations and the justification therefor. Neither the department nor the commission shall take any final action inconsistent with the acquisition of the full parcels for park purposes until the legislature has had an opportunity to enact legislation preventing the boundary variation.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands. No deduction may be made either for administrative costs or for the resource management cost account under RCW 79.64.040. The proceeds from the transfer of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

Appropriation:

St Bldg Constr Acct	\$	40,900,000
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	40,900,000
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NEW SECTION. Sec. 26. FOR THE STATE CONVENTION AND TRADE CENTER

(1) Project reserves and contingencies (89-5-001)

Reappropriation:

State Convention and Trade Center Acct	\$	1,430,734
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Prior Biennia (Expenditures)	\$	1,569,266
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	3,000,000
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(2) Conversion of retail space to meeting rooms (89-5-002)

Reappropriation:

State Convention and Trade Center Acct	\$	3,500,000
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Prior Biennia (Expenditures)	\$	1,697,364
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Future Biennia (Projected Costs)	\$	0
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TOTAL	\$	5,197,364
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(3)	Expansion of the 900 level (89-5-003)		
	Reappropriation:		
	State Convention and Trade Center Acct . \$		3,500,000
	Prior Biennia (Expenditures) \$		5,316,580
	Future Biennia (Projected Costs) \$		0

	TOTAL \$		8,816,580
(4)	Eagles Building and exterior cleanup or other capital projects (89-5-005)		
	Reappropriation:		
	State Convention and Trade Center Acct . \$		287,000
	Prior Biennia (Expenditures) \$		13,000
	Future Biennia (Projected Costs) \$		0

	TOTAL \$		300,000
(5)	Develop low-income housing (90-5-001)		
	Reappropriation:		
	State Convention and Trade Center Acct . \$		650,000
	Prior Biennia (Expenditures) \$		150,000
	Future Biennia (Projected Costs) \$		0

	TOTAL \$		800,000

"PART 4

TRANSPORTATION"

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION

(1)	Acquisition of dredge spoils sites (83-1-001)		
	Reappropriation:		
	St Bldg Constr Acct \$		200,000
	Prior Biennia (Expenditures) \$		3,277,162
	Future Biennia (Projected Costs) \$		0

	TOTAL \$		3,477,162
(2)	Toutle river retention dam (87-1-001)		
	Reappropriation:		
	St Bldg Constr Acct \$		5,777,882
	Prior Biennia (Expenditures) \$		10,722,118
	Future Biennia (Projected Costs) \$		0

	TOTAL \$		16,500,000

(3) Essential rail assistance (90-1-001)

\$1,000,000 of the reappropriation in this subsection is provided solely for distribution to county rail districts and port districts for capital expenditures for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW. The reappropriation in this subsection shall not be used for operating expenses of rail systems, programs, or services.

Reappropriation:	
ESS Rail Assis Acct	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 200,000
Future Biennia (Projected Costs)	\$ 2,000,000

TOTAL	\$ 3,200,000

(4) Essential rail banking (90-1-002)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) \$1,100,000 is provided solely for the purchase of unused rail rights of way as authorized by chapter 47.76 RCW.

(b) Expenditures shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights of way that the department proposes to acquire or assist local governments in acquiring, and as required by chapter 43, Laws of 1990.

(c) This reappropriation shall not be used for operating expenses of rail systems, programs, or services.

Reappropriation:	
ESS Rail Bank Acct	\$ 1,100,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 2,200,000

TOTAL	\$ 3,300,000

(5) Stampede Pass rail line

The appropriation in this subsection is provided solely to secure an option to acquire the track on the Stampede Pass rail line. This appropriation is contingent upon the provision of funds by the department of transportation to acquire the rail right of way.

Appropriation:	
St Bldg Constr Acct	\$ 200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 200,000

NEW SECTION. Sec. 28. FOR THE WASHINGTON STATE PATROL

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

Appropriation:	
St Bldg Constr Acct	\$ 2,017,000

Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,037,000

(2) Spokane crime laboratory: For safety enhancements (92-1-008)

Appropriation:		
St Bldg Constr Acct	\$	192,000
Prior Biennia (Expenditures)	\$	4,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	196,500

(3) Everett district headquarters--Crime laboratory (90-2-018)

Reappropriation:		
St Bldg Constr Acct	\$	455,000
Prior Biennia (Expenditures)	\$	15,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	470,000

"PART 5
EDUCATION"

NEW SECTION. Sec. 29. FOR THE STATE BOARD OF EDUCATION

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(1) Public school building construction (79-3-002)

Reappropriation:		
Common School Constr Fund	\$	500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	500

(2) Public school building construction (83-3-001)

Reappropriation:		
Common School Constr Fund	\$	110,000
Prior Biennia (Expenditures)	\$	490,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	600,000

(3) Public school building construction (86-4-001)

Reappropriation:		
Common School Constr Fund	\$	1,100,000
Prior Biennia (Expenditures)	\$	1,400,000
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,500,000
(4)	Public school building construction (86-4-008)		
	Reappropriation:		
	Common School Constr Fund	\$	70,000
	Prior Biennia (Expenditures)	\$	75,298
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	145,298
(5)	Public school building construction (88-2-001)		
	Reappropriation:		
	Common School Constr Fund	\$	4,000,000
	Prior Biennia (Expenditures)	\$	61,328,022
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	65,328,022
(6)	Public school building construction (89-2-004)		
	Reappropriation:		
	Common School Constr Fund	\$	80,000
	Prior Biennia (Expenditures)	\$	2,920,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,000,000
(7)	Public school building construction (90-2-001)		
	Reappropriation:		
	Common School Constr Fund	\$	156,000,000
	Prior Biennia (Expenditures)	\$	252,527,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	408,527,000
(8)	Public school building construction (91-2-001)		

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.

(b) A maximum of \$300,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and to facilitate and verify information reported by school districts.

(c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.

(d) Funding for common school construction and modernization is provided for projects approved for state assistance by the state board as of January 26, 1991.

(e) Projects approved for state assistance by the state board after January 26, 1991, pursuant to WAC 180-25-040 shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection.

(f)(i) The state board shall develop a new project priority funding system that is responsive to a variety of factors including but not limited to the type of space requested; current space availability and condition; identified program needs; cost benefit considerations of new construction, modernization, and reconfiguration alternatives; and impacts of delay.

(ii) The state board shall determine the relative importance of each of the factors, establish objective criteria for each, and develop a process for reporting and verifying data submitted by school districts.

(iii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The proceeds of bonds authorized in Engrossed Substitute House Bill No. 1430 and deposited in the common school construction fund shall serve as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by Engrossed Substitute Senate Bill No. 5184.

Appropriation:

Common School Constr Fund	\$	266,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	350,000,000

TOTAL	\$	616,000,000

(9) Public school building construction (91-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.

(b) The department of natural resources shall propose alternative rules to the rules adopted by the governor's office to implement the federal forest resources conservation and shortage relief act of 1990. The rules proposed to be adopted by the department shall: (i) Carry out the federal law; (ii) minimize economic impact on the state trusts; (iii) provide a fair system to all elements of the timber industry, treating all elements with equity; (iv) provide for and allow the largest number of bidders for state timber. The department of natural resources shall report to the legislature with the proposed rules and with recommendations on legislative solutions by December 1, 1991.

(c) The department of revenue and the department of natural resources shall jointly prepare an enforcement plan for the federal forest resources conservation and shortage relief act and shall submit the joint plan to the legislature by December 1, 1991.

(d) The department of natural resources and the department of revenue shall report to the legislature quarterly beginning July 1, 1991, on the impact of the federal forest resources conservation and shortage relief act of 1990 on the state trust land. The department of natural resources and the department

of revenue shall as part of the quarterly report recommend interim measures to reduce the negative impacts of the federal act.

(e) The department of natural resources and the department of revenue shall jointly prepare a cost estimate of carrying out the federal forest resources conservation and shortage relief act of 1990 and shall submit a report to the legislature with this cost estimate by December 1, 1991.

Appropriation:

Common School Constr Fund	..... \$	12,000,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) \$	0

TOTAL \$	12,000,000
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NEW SECTION. Sec. 30. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

If Engrossed Substitute Senate Bill No. 5184 is enacted by June 30, 1991, the appropriations in this section shall be transferred to the state board for community college education or its successor.

- (1) Lake Washington Vocational Technical Institute: For the administrative addition, classroom space, and aerospace laboratory

If Engrossed Substitute Senate Bill No. 5184 is not enacted by June 30, 1991, the appropriation in this subsection shall lapse.

Appropriation:

St Bldg Constr Acct	..... \$	5,800,000
Prior Biennia (Expenditures) \$	4,316,645
Future Biennia (Projected Costs) \$	0

TOTAL \$	10,116,645
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- (2) Renton Vocational Technical Institute: For a business technology building

If Engrossed Substitute Senate Bill No. 5184 is not enacted by June 30, 1991, the appropriation in this subsection shall lapse.

Appropriation:

St Bldg Constr Acct	..... \$	3,985,000
Prior Biennia (Expenditures) \$	443,000
Future Biennia (Projected Costs) \$	0

TOTAL \$	4,428,000
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- (3) Clover Park Vocational Technical Institute business education complex renovation (91-2-001)

Appropriation:

St Bldg Constr Acct	..... \$	2,500,000
Prior Biennia (Expenditures)	..... \$	0
Future Biennia (Projected Costs)	..... \$	0

	TOTAL	\$	2,500,000
(4)	Bellingham Vocational Technical Institute student services and administration offices renovation (91-3-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,612,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,612,000
	<u>NEW SECTION. Sec. 31. FOR THE STATE SCHOOL FOR THE BLIND</u>		
(1)	Demolish Richardson Hall (92-1-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	255,149
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	255,149
(2)	Demolish museum building (92-1-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	255,149
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	255,149
(3)	Elevator in administration building (92-1-003)		
	Appropriation:		
	St Bldg Constr Acct	\$	384,461
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	384,461
(4)	Automatic door: Kennedy Building (92-1-007)		
	Appropriation:		
	St Bldg Constr Acct	\$	36,020
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	36,020
(5)	Reroof Ahlsten Cottage (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct	\$	209,488

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	209,488
(6)	Irwin School electrical and communications upgrade (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct	\$	92,141
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	92,141
(7)	Swimming pool renovation (92-2-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	162,990
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	162,990
(8)	Reroof Kennedy Building (92-2-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	369,791
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	369,791
	NEW SECTION. Sec. 32. FOR THE STATE SCHOOL FOR THE DEAF		
(1)	Building reroof: Devine High School (92-2-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	581,119
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	581,119
(2)	Building reroof: Northrup Elementary School (92-2-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	218,182
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	218,182
(3)	Building reroof: Clark Hall (92-2-003)		
	Appropriation:		
	St Bldg Constr Acct	\$	448,842

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	448,842
(4)	Building reroof: McDonald Hall (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct	\$	135,737
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	135,737
(5)	Building reroof: Deer Hall (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct	\$	98,298
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	98,298
(6)	Replacement of outside doors at Devine High School, Northrup Primary, Deer Hall, McDonald Hall, and Dining Room (92-2-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	71,624
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	71,624
(7)	Devine High School air conditioner (92-2-007)		
	Appropriation:		
	St Bldg Constr Acct	\$	26,834
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	26,834
(8)	Heating system repairs (92-2-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	32,345
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	32,345
	NEW SECTION. Sec. 33. FOR THE UNIVERSITY OF WASHINGTON		
(1)	Safety: Fire code, PCB, and life safety (86-1-001)		
	Reappropriation:		

UW Bldg Acct	\$	6,890,000
Prior Biennia (Expenditures)	\$	2,298,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	9,188,000

(2) Safety: Asbestos removal (86-1-002)

The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.

Reappropriation:

UW Bldg Acct	\$	4,900,000
Prior Biennia (Expenditures)	\$	600,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,500,000

(3) Minor works: Building renewal (86-1-004)

Reappropriation:

UW Bldg Acct	\$	6,200,000
Prior Biennia (Expenditures)	\$	5,983,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	12,183,000

(4) Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)

Reappropriation:

St Bldg Constr Acct	\$	43,508,000
UW Bldg Acct	\$	3,500,000

Subtotal Reappropriation	\$	47,008,000
Prior Biennia (Expenditures)	\$	7,856,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	54,864,000

(5) Minor works: Program renewal (86-3-005)

The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

UW Bldg Acct	\$	3,800,000
Prior Biennia (Expenditures)	\$	9,540,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	13,340,000

- (6) Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 360,000
UW Bldg Acct	\$ 240,000

Subtotal Reappropriation	\$ 600,000
Appropriation:	
St Bldg Constr Acct	\$ 19,872,000
Prior Biennia (Expenditures)	\$ 468,495
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 20,340,495

- (7) K Wing addition (90-1-001)

The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:	
H Ed Constr Acct	\$ 45,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 45,000,000

- (8) Emergency power generation (90-2-001)

Reappropriation:	
St Bldg Constr Acct	\$ 10,500,000
Prior Biennia (Expenditures)	\$ 610,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 11,110,000

- (9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)

The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 4,000,000
Appropriation:	
H Ed Reimb Constr Acct	\$ 64,786,000

Prior Biennia (Expenditures)	\$	3,778,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	72,564,000

(10) Chemistry I: Design and construction (90-2-011)

The project funded by the reappropriation in this subsection shall be constructed on campus.

Reappropriation:		
St Bldg Constr Acct	\$	37,200,000
Prior Biennia (Expenditures)	\$	1,952,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	39,152,000

(11) Electrical engineering and computer science building: To complete the design and continue preplanning of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)

The project funded by the reappropriation in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	3,450,000
Appropriation:		
St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	661,000
Future Biennia (Projected Costs)	\$	90,500,000

TOTAL	\$	97,611,000

(12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

Reappropriation:		
St Bldg Constr Acct	\$	830,000
UW Bldg Acct	\$	770,000

Subtotal Reappropriation	\$	1,600,000
Prior Biennia (Expenditures)	\$	7,539,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	9,139,000

(13) Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, and life safety and fire code regulations (92-1-004)

Appropriation:		
St Bldg Constr Acct	\$	10,640,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	33,333,000

TOTAL	\$	43,973,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:		
St Bldg Constr Acct	\$	3,525,000
UW Bldg Acct	\$	5,000,000

Subtotal Appropriation	\$	8,525,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	40,200,000

TOTAL	\$	48,725,000

- (15) Communications Building Renovation (88-2-014)

Reappropriation:		
St Bldg Constr Acct	\$	2,015,000
UW Bldg Acct	\$	1,167,000

Subtotal Reappropriation	\$	3,182,000
Prior Biennia (Expenditures)	\$	3,555,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	6,737,000

- (16) Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)

Appropriation:		
St Bldg Constr Acct	\$	235,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,488,000

TOTAL	\$	2,723,000

- (17) Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)

Appropriation:		
St Bldg Constr Acct	\$	3,314,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 3,314,000

- (18) Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct \$ 2,543,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 37,800,000

TOTAL \$ 40,343,000

- (19) Chiller addition: To add one central power plant chiller unit (92-2-009)

Appropriation:

St Bldg Constr Acct \$ 2,459,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,459,000

- (20) Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)

Appropriation:

St Bldg Constr Acct \$ 2,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,700,000

- (21) Electrical distribution: To upgrade the campus electrical distribution (92-2-012)

Appropriation:

St Bldg Constr Acct \$ 1,300,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,300,000

- (22) Other utility projects: To remove and decontaminate six underground storage tanks (92-2-013)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

St Bldg Constr Acct \$ 60,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs)	\$	20,000,000
TOTAL	\$	20,060,000

(23) Comparative medicine facility: To construct an animal laboratory facility (92-2-017)

Appropriation:		
St Bldg Constr Acct	\$	700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	700,000

(24) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:		
St Bldg Constr Acct	\$	3,850,000
UW Bldg Acct	\$	5,000,000
Subtotal Appropriation	\$	8,850,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	43,250,000
TOTAL	\$	52,100,000

(25) Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)

Appropriation:		
UW Bldg Acct	\$	1,759,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,759,000

(26) Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:		
UW Bldg Acct	\$	7,238,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	7,238,000
(27)	Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)		
	Reappropriation:		
	St Bldg Constr Acct	\$	215,000
	Appropriation:		
	UW Bldg Acct	\$	1,670,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,885,000

- (28) Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

	Appropriation:		
	State Bldg Constr Acct	\$	1,850,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	91,528,000
	TOTAL	\$	93,378,000

- (29) Olympic Natural Resources Center

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

	Appropriation:		
	State Bldg Constr Acct	\$	5,675,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,675,000

- (30) Employee day care facility--Preplanning

The appropriation in this subsection is subject to the following conditions and limitations: The appropriation is provided solely for the purpose of analyzing the need for, and potential sites of, a day care facility located on or near the Seattle campus of the University of Washington for the use of University of Washington employees.

	Appropriation:		
	St Bldg Constr Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	50,000
	<u>NEW SECTION. Sec. 34. FOR WASHINGTON STATE UNIVERSITY</u>		
(1)	Science Hall renewal, phase 2 (86-1-006)		
	Reappropriation:		
	H Ed Constr Acct	\$	400,000
	Prior Biennia (Expenditures)	\$	10,804,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	11,204,000

(2) Minor capital improvements (90-1-001)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

	Reappropriation:		
	WSU Bldg Acct	\$	1,788,000
	Prior Biennia (Expenditures)	\$	3,212,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,000,000

(3) Minor capital renewal (90-1-002)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

	Reappropriation:		
	St Bldg Constr Acct	\$	1,950,000
	Prior Biennia (Expenditures)	\$	3,050,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,000,000

(4) Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

	Reappropriation:		
	WSU Bldg Acct	\$	2,700,000
	Prior Biennia (Expenditures)	\$	55,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,755,000
(5)	Land acquisition (Branch Campus) (90-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	250,000
	Prior Biennia (Expenditures)	\$	1,095,333
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,345,333
(6)	Tri-Cities University Center (90-5-901)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,850,000
	Prior Biennia (Expenditures)	\$	9,548,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	12,398,000
(7)	Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)		
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Appropriation:		
	WSU Bldg Acct	\$	6,500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	21,300,000

	TOTAL	\$	27,800,000
(8)	Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)		
	Reappropriation:		
	WSU Bldg Acct	\$	525,100
	Appropriation:		
	WSU Bldg Acct	\$	670,000
	Prior Biennia (Expenditures)	\$	7,900
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,203,000
(9)	Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)		
	Reappropriation:		
	WSU Bldg Acct	\$	638,300
	Appropriation:		

WSU Bldg Acct	\$	542,000
Prior Biennia (Expenditures)	\$	9,700
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,190,000

- (10) Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
WSU Bldg Acct	\$	21,700
Appropriation:		
St Bldg Constr Acct	\$	1,343,000
Prior Biennia (Expenditures)	\$	130,300
Future Biennia (Projected Costs)	\$	5,570,000

TOTAL	\$	7,065,000

- (11) Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)

The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.

Appropriation:		
WSU Bldg Acct	\$	1,513,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,513,000

- (12) Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:		
St Bldg Constr Acct	\$	957,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,943,000

TOTAL	\$	8,900,000

- (13) Nuclear radiation center study (92-1-025)

Reappropriation:	
WSU Bldg Acct	\$ 13,400
Prior Biennia (Expenditures)	\$ 39,600
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 53,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:	
St Bldg Constr Acct	\$ 5,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 5,500,000

- (15) Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)

The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.

Appropriation:	
WSU Bldg Acct	\$ 869,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 869,000

- (16) Holland Library addition: To furnish and equip the library addition (92-2-012)

Reappropriation:	
St Bldg Constr Acct	\$ 29,500,000
WSU Bldg Acct	\$ 48,600
Subtotal Reappropriation	\$ 29,548,600
Appropriation:	
St Bldg Constr Acct	\$ 2,580,000
Prior Biennia (Expenditures)	\$ 4,992,400

Future Biennia (Projected Costs)	\$	0

TOTAL	\$	37,121,000

- (17) Veterinary teaching hospital: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct	\$	970,000
WSU Bldg Acct	\$	110,000

Subtotal Reappropriation	\$	1,080,000

Appropriation:

H Ed Reimb Constr Acct	\$	26,835,000
Prior Biennia (Expenditures)	\$	747,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	28,662,000

- (18) Child care facility: To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)

Appropriation:

St Bldg Constr Acct	\$	2,171,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,171,000

- (19) Carpenter Hall completion (renewal): To complete the renovation of Carpenter Hall (92-2-016)

Reappropriation:

H Ed Constr Acct	\$	500,000
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Appropriation:

WSU Bldg Acct	\$	810,000
Prior Biennia (Expenditures)	\$	6,289,715
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	7,599,715
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- (20) Communication infrastructure renewal: To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 10,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 10,000,000

- (21) Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
WSU Bldg Acct	\$ 37,000
Appropriation:	
St Bldg Constr Acct	\$ 1,143,000
Prior Biennia (Expenditures)	\$ 145,000
Future Biennia (Projected Costs)	\$ 14,795,000

TOTAL	\$ 16,120,000

- (22) Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 15,000,000
WSU Bldg Acct	\$ 967,000

Subtotal Appropriation	\$ 15,967,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 15,967,000

- (23) Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Appropriation:	
WSU Bldg Acct	\$ 1,761,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,761,000

- (24) WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at the Tree Fruit Research and Extension Center in Wenatchee (92-2-908)

Appropriation:	
WSU Bldg Acct	\$ 2,407,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,407,000

- (25) Dairy and forage facility: To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

Appropriation:	
WSU Bldg Acct	\$ 2,714,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,714,000

- (26) Chilled water storage facility: To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

Appropriation:	
St Bldg Constr Acct	\$ 2,850,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,850,000

NEW SECTION. Sec. 35. FOR EASTERN WASHINGTON UNIVERSITY

- (1) Math, science, and technology: To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 141,000
Appropriation:	
St Bldg Constr Acct	\$ 150,000
Prior Biennia (Expenditures)	\$ 91,000
Future Biennia (Projected Costs)	\$ 4,850,000

TOTAL	\$ 5,232,000

- (2) Science building addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:

St Bldg Constr Acct \$ 7,000,000

Appropriation:

St Bldg Constr Acct \$ 7,780,000

Prior Biennia (Expenditures) \$ 6,255,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 21,035,000

(3) Electrical system renewal (86-1-002)

Reappropriation:

St Bldg Constr Acct \$ 890,000

Prior Biennia (Expenditures) \$ 1,894,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,784,000

(4) Roof replacement: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school (86-1-003)

Reappropriation:

St Bldg Constr Acct \$ 213,000

Appropriation:

EWU Cap Proj Acct \$ 1,000,000

Prior Biennia (Expenditures) \$ 985,000

Future Biennia (Projected Costs) \$ 1,500,000

TOTAL \$ 3,698,000

(5) Minor capital improvements (86-1-010)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

EWU Cap Proj Acct \$ 1,100,000

Prior Biennia (Expenditures) \$ 3,363,000

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,463,000

(6) Small repairs projects (86-1-011)

Reappropriation:

EWU Cap Proj Acct \$ 422,000

Prior Biennia (Expenditures)	\$	1,107,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,529,000

(7) Energy conservation (86-2-006)

Reappropriation:		
St H Ed Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	554,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	754,000

(8) Life and safety code compliance, asbestos: To continue removal of asbestos on a phased basis (88-1-001)

The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.

Appropriation:		
EWU Cap Proj Acct	\$	850,000
Prior Biennia (Expenditures)	\$	1,283,000
Future Biennia (Projected Costs)	\$	2,500,000
TOTAL	\$	4,633,000

(9) Fire suppression: To install fire suppression systems throughout the campus (88-1-005)

Reappropriation:		
St Bldg Constr Acct	\$	30,000
Appropriation:		
EWU Cap Proj Acct	\$	850,000
Prior Biennia (Expenditures)	\$	496,000
Future Biennia (Projected Costs)	\$	1,700,000
TOTAL	\$	3,076,000

(10) Telecommunications, cable replacement: To replace the existing system with a complete data/video network (90-2-004)

Reappropriation:		
EWU Cap Proj Acct	\$	850,000
Appropriation:		
St Bldg Constr Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	230,000
Future Biennia (Projected Costs)	\$	1,000,000
TOTAL	\$	4,080,000

(11) Seventh Street replacement (90-3-001)

Reappropriation:		
EWU Cap Proj Acct	\$	338,000

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	338,000
 (12) Minor capital renewal (90-3-002)			
	Reappropriation:		
	EWU Cap Proj Acct	\$	1,150,000
	Prior Biennia (Expenditures)	\$	17,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,167,000
 (13) Kennedy Library addition and heating, ventilation, and air conditioning (90-5-003)			
	Reappropriation:		
	EWU Cap Proj Acct	\$	56,000
	Prior Biennia (Expenditures)	\$	109,000
	Future Biennia (Projected Costs)	\$	1,200,000
	TOTAL	\$	1,365,000
 (14) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)			
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$125,000 may be used to acquire property from the Department of Natural Resources.		
	Appropriation:		
	EWU Cap Proj Acct	\$	2,200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	4,400,000
	TOTAL	\$	6,600,000
 (15) Small repair projects: To complete small repair projects costing less than \$25,000 (92-1-002)			
	Appropriation:		
	EWU Cap Proj Acct	\$	1,000,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	2,000,000
	TOTAL	\$	3,000,000
 (16) Underground storage tanks, code compliance: To remove six underground storage tanks under EPA requirements (92-1-003)			

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

EWU Cap Proj Acct	\$	60,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	60,000

- (17) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-3-004)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,000,000
TOTAL	\$	5,000,000

- (18) Eastern Washington University Spokane Center: To provide fire egress and remodel the interior areas (92-5-008)

Appropriation:

EWU Cap Proj Acct	\$	1,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,200,000

NEW SECTION. Sec. 36. FOR CENTRAL WASHINGTON UNIVERSITY

- (1) Energy savings projects (86-2-005)

Reappropriation:

CWU Cap Proj Acct	\$	100,000
Prior Biennia (Expenditures)	\$	808,276
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	908,276

- (2) Handicap modifications (88-1-007)

Reappropriation:

CWU Cap Proj Acct	\$	150,000
Prior Biennia (Expenditures)	\$	565,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	715,000

(3)	Psychology animal research facility (90-1-060)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,700,000
	Prior Biennia (Expenditures)	\$	447,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,147,000
(4)	Telecommunications system, phase 2 (90-2-003)		
	Reappropriation:		
	CWU Cap Proj Acct	\$	1,182,000
	Prior Biennia (Expenditures)	\$	261,600
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,443,600
(5)	Shaw/Smyser Hall remodel (90-2-005)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,406,000
	CWU Cap Proj Acct	\$	950,000
	Subtotal Reappropriation	\$	3,356,000
	Prior Biennia (Expenditures)	\$	349,900
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,705,900
(6)	Life and safety: To complete minor projects that correct code violations and hazards (92-1-030)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Appropriation:		
	CWU Cap Proj Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	1,989,482
	Future Biennia (Projected Costs)	\$	1,000,000
	TOTAL	\$	4,189,482
(7)	Asbestos and PCB abatement: To remove asbestos and PCB contaminated materials and replace with nonhazardous materials (92-1-040)		
	The appropriation in this subsection may be expended only after compliance with section 5(3) of this act.		
	Appropriation:		
	CWU Cap Proj Acct	\$	750,000

Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	850,000

TOTAL	\$	2,100,000

- (8) Barge Hall renovation: To complete the construction phase of the Barge Hall renovation (92-2-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	150,000
Appropriation:		
St Bldg Constr Acct	\$	10,465,200
Prior Biennia (Expenditures)	\$	450,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	11,065,200

- (9) Dean Science Building remodel and annex construction: To complete program preplanning documents for remodeling Dean Science Building and constructing an annex (92-2-002)

Appropriation:		
St Bldg Constr Acct	\$	193,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	17,608,000

TOTAL	\$	17,801,500

- (10) Chilled water expansion: To extend the cooling system to additional buildings (92-2-004)

Appropriation:		
St Bldg Constr Acct	\$	800,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,600,000

TOTAL	\$	2,400,000

- (11) Minor capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-2-050)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
CWU Cap Proj Acct	\$	2,650,000
Appropriation:		
CWU Cap Proj Acct	\$	3,791,000

Prior Biennia (Expenditures)	\$	3,672,809
Future Biennia (Projected Costs)	\$	6,978,000

TOTAL	\$	17,091,809

(12) Electrical cable replacement: To partially replace the underground high voltage system (92-3-003)

Appropriation:		
CWU Cap Proj Acct	\$	800,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,700,000

TOTAL	\$	2,500,000

(13) Nicholson Pavilion and athletic facilities remodel: To upgrade the pavilion's skylight, pool, gymnasium floor, locker rooms, and field and track surfaces

Appropriation:		
CWU Cap Proj Acct	\$	1,170,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,170,000

NEW SECTION. Sec. 37. FOR THE EVERGREEN STATE COLLEGE

(1) Failed systems (90-2-001)

Reappropriation:		
St Bldg Constr Acct	\$	331,800
Prior Biennia (Expenditures)	\$	212,270
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	544,070

(2) Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

Reappropriation:		
St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	192,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	245,000

(3) Lab annex remodel, metal and wood support shops: To provide a consolidated wood/metal studio in the visual arts program area (90-5-008)

Appropriation:		
St Bldg Constr Acct	\$	972,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	972,100

- (4) Life and safety and code compliance: To complete minor projects that correct code violations and hazards (92-1-001)

Appropriation:

St Bldg Constr Acct	\$	1,766,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,766,500

- (5) Underground storage tank replacement, phase 1: To replace six single-wall tanks with four double-wall lined tanks (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

St Bldg Constr Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	120,000

- (6) Minor works, failed systems: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-004)

Appropriation:

St Bldg Constr Acct	\$	967,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	967,000

- (7) Minor works, academics and program support: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	956,300
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	956,300

- (8) Small repairs and improvements: To complete small repair projects costing less than \$25,000 (92-2-010)

Appropriation:

TESC Cap Proj Acct	\$	185,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	185,000
(9)	Emergency repairs: To repair unforeseen breakdowns in building and utility systems (92-2-011)		
	Appropriation:		
	TESC Cap Proj Acct	\$	162,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	162,000
(10)	Heat, ventilation, and air conditioning repairs: To identify and repair problems in the heating, ventilation, and air conditioning systems in five buildings (92-3-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	430,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	430,000
	<u>NEW SECTION.</u> Sec. 38. FOR WESTERN WASHINGTON UNIVERSITY		
(1)	Construct and equip science facility, phase 1 (90-1-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	20,300,000
	Prior Biennia (Expenditures)	\$	1,630,700
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	21,930,700
(2)	Science facility, phase 2 (design) (90-1-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	780,000
	Prior Biennia (Expenditures)	\$	107,300
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	887,300
(3)	Institute of Wildlife Toxicology (90-2-003)		
	Reappropriation:		
	WWU Cap Proj Acct	\$	744,000
	Prior Biennia (Expenditures)	\$	756,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,500,000
(4)	Construct and equip science facility, phase 2: To construct a new science building for biology, including classrooms, laboratories, and faculty offices (92-1-007)		

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	21,374,300
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	21,374,300

- (5) Science facility, phase 3: To complete the design for a new science building for the science education program, including lecture halls for all university science programs (92-1-008)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:

St Bldg Constr Acct	\$	707,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	9,371,400
TOTAL	\$	10,078,900

- (6) Minor works capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-1-022)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

WWU Cap Proj Acct	\$	2,500,000
Appropriation:		
WWU Cap Proj Acct	\$	7,500,000
Prior Biennia (Expenditures)	\$	7,807,465
Future Biennia (Projected Costs)	\$	12,000,000
TOTAL	\$	29,807,465

- (7) Land acquisition: To acquire additional land on the northern and southern campus boundaries and moorage facilities at Shannon Point Marine Center (92-3-021)

Appropriation:

St Bldg Constr Acct	\$	1,450,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 1,450,000

NEW SECTION. Sec. 39. FOR THE STATE LIBRARY

- (1) Library for the blind and physically handicapped planning (90-5-001)

The reappropriation in this section is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature by December 1, 1991.

Reappropriation:

General Fund-State	\$	75,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 75,000

NEW SECTION. Sec. 40. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

- (1) Union Station: To design and construct a new exhibit center at Union Station (90-5-005)

(a) The Washington State Historical Society shall report to the appropriate committees of the legislature by November 1, 1992, on its plans to phase-in installation of exhibitry and on its efforts to secure additional funding from nonstate sources for exhibitry and other components of the project.

(b) It is the intent of the legislature that future appropriations for this project will require the same thirty percent nonstate matching ratio up to a maximum of \$28,815,000 from state moneys, including all costs for land, design, construction, and exhibits.

(c) A portion of exhibitry costs shall be used to fulfill the requirement that one-half percent of construction costs be used for artwork.

Reappropriation:

St Bldg Constr Acct	\$	2,955,000
Appropriation:		
St Bldg Constr Acct	\$	610,000

Prior Biennia (Expenditures)	\$	125,000
Future Biennia (Projected Costs)	\$	25,125,000

TOTAL \$ 28,815,000

- (2) Correction of code violations: To extend the existing fire sprinkler system to the entire building and to install smoke and ionization detectors throughout the museum building (92-1-001)

Appropriation:

St Bldg Constr Acct	\$	250,849
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	250,849

- (3) Minor works

The appropriation in this subsection is subject to the following conditions and limitations: \$222,424 is provided solely to repair the interior and exterior of the museum building.

Appropriation:

St Bldg Constr Acct	\$	222,424
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	222,424

NEW SECTION. Sec. 41. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

- (1) To complete restoration of interior rooms, the conservatory, the veranda, and the exterior of the Campbell House (86-1-002)

Appropriation:

St Bldg Constr Acct	\$	746,211
Prior Biennia (Expenditures)	\$	542,832
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,289,043

- (2) Cheney Cowles Museum: For an energy-efficient boiler system, a temperature/humidity system for the entire museum, and a clean-air filtration system (92-2-001)

Appropriation:

St Bldg Constr Acct	\$	424,279
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	424,279

- (3) Cheney Cowles Museum: To replace outdated museum lighting (92-2-002)

Appropriation:

St Bldg Constr Acct	\$	56,727
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	56,727

NEW SECTION. Sec. 42. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

(1)	For replacement of building systems and for maintenance and improvements to the interior or exterior of the Lord Mansion and the Carriage House (92-1-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	10,600
	Appropriation:		
	St Bldg Constr Acct	\$	99,510
	Prior Biennia (Expenditures)	\$	16,400
	Future Biennia (Projected Costs)	\$	10,500

	TOTAL	\$	137,010

NEW SECTION. Sec. 43. FOR THE COMMUNITY COLLEGE SYSTEM

(1)	Extension facility (Puyallup) (86-3-021)		
	Reappropriation:		
	St Bldg Constr Acct	\$	99,211
	Prior Biennia (Expenditures)	\$	5,276,789
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	5,376,000
(2)	Tech building and remodeling (Skagit Valley) (86-3-022)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,085
	Prior Biennia (Expenditures)	\$	3,369,915
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	3,400,000
(3)	Heavy equipment building (South Seattle) (86-3-026)		
	Reappropriation:		
	St Bldg Constr Acct	\$	17,901
	Prior Biennia (Expenditures)	\$	4,429,099
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	4,447,000
(4)	Minor works (RMI) (88-2-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	114,174
	Prior Biennia (Expenditures)	\$	3,385,826
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	3,500,000

(5)	Repairs, exterior walls (88-3-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	218,614
	Prior Biennia (Expenditures)	\$	4,045,386
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,264,000
(6)	Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	500,121
	Prior Biennia (Expenditures)	\$	3,574,879
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	4,075,000
(7)	Minor improvements (88-3-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	781,756
	Prior Biennia (Expenditures)	\$	12,982,244
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	13,764,000
(8)	Repairs, electrical (88-3-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	114,986
	Prior Biennia (Expenditures)	\$	1,277,014
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,392,000
(9)	Sites and interiors (88-3-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	168,312
	Prior Biennia (Expenditures)	\$	1,757,688
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,926,000
(10)	Agri Tech building (Walla Walla) (88-3-008)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,000,539
	Prior Biennia (Expenditures)	\$	2,114,461
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,115,000

(11) Plan, and construct library-student center (86-2-031)		
Reappropriation:		
St Bldg Constr Acct	\$	328,911
Prior Biennia (Expenditures)	\$	7,662,089
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	7,991,000
(12) Vocational shop (Wenatchee) (88-3-010)		
Reappropriation:		
St Bldg Constr Acct	\$	613,953
Prior Biennia (Expenditures)	\$	341,047
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	955,000
(13) Computer facility (Edmonds) (88-3-011)		
Reappropriation:		
St Bldg Constr Acct	\$	14,934
Prior Biennia (Expenditures)	\$	3,820,066
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	3,835,000
(14) Learning resource center (Clark) (88-3-012)		
Reappropriation:		
St Bldg Constr Acct	\$	620,017
Prior Biennia (Expenditures)	\$	5,759,983
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	6,380,000
(15) Extension center (Yakima Valley) (88-3-013)		
Reappropriation:		
St Bldg Constr Acct	\$	102,068
Prior Biennia (Expenditures)	\$	1,588,932
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	1,691,000
(16) Math and science building (Spokane Falls) (88-3-015)		
Reappropriation:		
St Bldg Constr Acct	\$	779,618
Prior Biennia (Expenditures)	\$	4,970,382
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	5,750,000

- (17) Learning resource center (Spokane) (88-3-016)
- | | |
|--|--------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 588,025 |
| Prior Biennia (Expenditures) | \$ 4,946,975 |
| Future Biennia (Projected Costs) | \$ 0 |
| ----- | |
| TOTAL | \$ 5,535,000 |
- (18) Preplanning for 1989-93 major projects (88-4-014)
- | | |
|--|------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 48,852 |
| Prior Biennia (Expenditures) | \$ 448,148 |
| Future Biennia (Projected Costs) | \$ 0 |
| ----- | |
| TOTAL | \$ 497,000 |
- (19) Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)
- | | |
|--|--------------|
| Reappropriation | |
| St Bldg Constr Acct | \$ 66,117 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 2,123,000 |
| Prior Biennia (Expenditures) | \$ 41,883 |
| Future Biennia (Projected Costs) | \$ 0 |
| ----- | |
| TOTAL | \$ 2,231,000 |
- (20) Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)
- The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.
- | | |
|--|--------------|
| Appropriation: | |
| St Bldg Constr Acct | \$ 5,998,000 |
| Prior Biennia (Expenditures) | \$ 256,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| ----- | |
| TOTAL | \$ 6,254,000 |
- (21) Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)
- | | |
|------------------------------------|--------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 20,747 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 1,307,000 |
| Prior Biennia (Expenditures) | \$ 57,253 |

Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,385,000
 (22) Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)		
Reappropriation:		
St Bldg Constr Acct	\$	77,194
Appropriation:		
St Bldg Constr Acct	\$	1,972,000
Prior Biennia (Expenditures)	\$	35,806
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,085,000
 (23) Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)		
Reappropriation:		
St Bldg Constr Acct	\$	49,234
Appropriation:		
St Bldg Constr Acct	\$	2,025,000
Prior Biennia (Expenditures)	\$	45,766
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,120,000
 (24) Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)		
Reappropriation:		
St Bldg Constr Acct	\$	76,722
Appropriation:		
St Bldg Constr Acct	\$	1,746,000
Prior Biennia (Expenditures)	\$	13,278
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,836,000
 (25) Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)		
Reappropriation:		
St Bldg Constr Acct	\$	138,067
Appropriation:		
St Bldg Constr Acct	\$	2,902,000
Prior Biennia (Expenditures)	\$	1,933
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,042,000

- (26) Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 33,714
Appropriation:	
St Bldg Constr Acct	\$ 6,311,000
Prior Biennia (Expenditures)	\$ 211,286
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 6,556,000

- (27) Construct: Student activity and physical education facility (Seattle Central) (88-5-028)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 148,348
Appropriation:	
St Bldg Constr Acct	\$ 11,080,000
Prior Biennia (Expenditures)	\$ 251,652
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 11,480,000

- (28) Washington State University education center (Clark) (89-5-019)

Reappropriation:	
St Bldg Constr Acct	\$ 12,793
Prior Biennia (Expenditures)	\$ 1,787,207
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,800,000

- (29) Multipurpose child care center (Everett) (89-5-020)

Reappropriation:	
St Bldg Constr Acct	\$ 20,055
Prior Biennia (Expenditures)	\$ 465,533
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 485,588

- (30) Fire and security repairs (90-1-004)

Reappropriation:	
St Bldg Constr Acct	\$ 499,132

	Prior Biennia (Expenditures) \$	448,478
	Future Biennia (Projected Costs) \$	0
	TOTAL \$	947,610
(31)	Asbestos repairs (90-1-008)	
	Reappropriation:	
	St Bldg Constr Acct \$	59,824
	Prior Biennia (Expenditures) \$	1,157,376
	Future Biennia (Projected Costs) \$	0
	TOTAL \$	1,217,200
(32)	Roof and structural repairs (90-2-002)	
	Reappropriation:	
	St Bldg Constr Acct \$	1,336,671
	Prior Biennia (Expenditures) \$	2,321,329
	Future Biennia (Projected Costs) \$	0
	TOTAL \$	3,658,000
(33)	Heating, ventilation, and air conditioning mechanical repairs (90-2-003)	
	Reappropriation:	
	St Bldg Constr Acct \$	1,412,452
	Prior Biennia (Expenditures) \$	1,560,378
	Future Biennia (Projected Costs) \$	0
	TOTAL \$	2,972,830
(34)	Electrical repairs (90-2-005)	
	Reappropriation:	
	St Bldg Constr Acct \$	126,639
	Prior Biennia (Expenditures) \$	244,601
	Future Biennia (Projected Costs) \$	0
	TOTAL \$	371,240
(35)	Small repairs and improvements (90-3-001)	
	Reappropriation:	
	St Bldg Constr Acct \$	1,338,574
	Prior Biennia (Expenditures) \$	2,861,426
	Future Biennia (Projected Costs) \$	0
	TOTAL \$	4,200,000
(36)	Learning assistance resource center (Centralia) (90-3-006)	
	Reappropriation:	
	St Bldg Constr Acct \$	66,076

Prior Biennia (Expenditures)	\$	4,147,924
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,214,000

(37) Facility repairs (90-3-007)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
St Bldg Constr Acct	\$	740,342
Prior Biennia (Expenditures)	\$	3,107,838
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,848,180

(38) Technology laboratories (Highline) (90-3-023)

Reappropriation:		
St Bldg Constr Acct	\$	554,817
Prior Biennia (Expenditures)	\$	2,213,183
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,768,000

(39) Minor improvements (90-5-009)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
St Bldg Constr Acct	\$	4,454,434
Prior Biennia (Expenditures)	\$	8,838,506
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	13,292,940

(40) Design: Technology center (Whatcom) (90-5-010)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	34,750
Appropriation:		
St Bldg Constr Acct	\$	249,000
Prior Biennia (Expenditures)	\$	28,250

Future Biennia (Projected Costs)	\$	6,378,000
TOTAL	\$	6,690,000

(41) Design: Physical education facility (North Seattle) (90-5-011)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Appropriation:		
St Bldg Constr Acct	\$	202,000
Prior Biennia (Expenditures)	\$	45,000
Future Biennia (Projected Costs)	\$	6,940,000
TOTAL	\$	7,187,000

(42) Design: Applied arts building (Spokane Falls) (90-5-012)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	33,157
Appropriation:		
St Bldg Constr Acct	\$	280,000
Prior Biennia (Expenditures)	\$	34,843
Future Biennia (Projected Costs)	\$	5,213,000
TOTAL	\$	5,561,000

(43) Design: Industrial tech building (Spokane) (90-5-013)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	9,076
Appropriation:		
St Bldg Constr Acct	\$	298,000
Prior Biennia (Expenditures)	\$	54,924
Future Biennia (Projected Costs)	\$	6,536,000
TOTAL	\$	6,898,000

(44) Design: Vocational art facility (Shoreline) (90-5-014)

Reappropriation:		
St Bldg Constr Acct	\$	22,407
Appropriation:		
St Bldg Constr Acct	\$	157,000

Prior Biennia (Expenditures)	\$	28,593
Future Biennia (Projected Costs)	\$	2,785,000
		<hr/>
TOTAL	\$	2,993,000

(45) Design: Business education building (Clark) (90-5-015)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	33,280
Appropriation:		
St Bldg Constr Acct	\$	305,000
Prior Biennia (Expenditures)	\$	39,720
Future Biennia (Projected Costs)	\$	5,725,000
		<hr/>
TOTAL	\$	6,103,000

(46) Design: Student center (South Seattle) (90-5-016)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 57 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	5,117
Appropriation:		
St Bldg Constr Acct	\$	258,000
Prior Biennia (Expenditures)	\$	53,883
Future Biennia (Projected Costs)	\$	4,276,000
		<hr/>
TOTAL	\$	4,593,000

(47) Design: Library addition (Skagit Valley) (90-5-017)

Appropriation:		
St Bldg Constr Acct	\$	116,000
Prior Biennia (Expenditures)	\$	44,000
Future Biennia (Projected Costs)	\$	1,896,000
		<hr/>
TOTAL	\$	2,056,000

(48) Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)

Appropriation:		
St Bldg Constr Acct	\$	105,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	105,000

- (49) Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)

Appropriation:	
St Bldg Constr Acct	\$ 498,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 498,000

- (50) Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)

Appropriation:	
St Bldg Constr Acct	\$ 78,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 78,000

- (51) Acquisition: Purchase auto shop that is currently being leased (Olympic) (92-1-604)

Appropriation:	
St Bldg Constr Acct	\$ 700,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 700,000

- (52) Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)

Appropriation:	
St Bldg Constr Acct	\$ 280,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 280,000

- (53) Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)

Appropriation:	
St Bldg Constr Acct	\$ 1,893,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,893,000

- (54) Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)

The appropriation in this subsection may be expended only after compliance with section 5(2) of this act.

Appropriation:

	St Bldg Constr Acct	\$	650,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	650,000
(55)	Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,172,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,172,000
(56)	Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)		
	Appropriation:		
	St Bldg Constr Acct	\$	7,457,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	7,457,000
(57)	Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)		
	Appropriation:		
	St Bldg Constr Acct	\$	817,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	817,000
(58)	Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,074,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,074,000
(59)	Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,307,000

	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,307,000
(60)	Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,508,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	2,508,000
(61)	Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)		
	Appropriation:		
	St Bldg Constr Acct	\$	692,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	692,000
(62)	Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,440,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,440,000
(63)	Site repairs: To provide site improvements on eleven campuses (92-2-111)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,329,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,329,000
(64)	Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	6,211,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	6,211,000

- (65) Minor improvements: To complete fifty-six minor improvement projects costing less than \$500,000 each (92-5-200)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct \$ 16,792,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,792,000

- (66) Preplan: Puyallup, phase 2 (Pierce) (92-5-501)

Appropriation:

St Bldg Constr Acct \$ 57,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 9,653,000

TOTAL \$ 9,710,000

- (67) Preplan: Vocational building (Skagit Valley) (92-5-502)

Appropriation:

St Bldg Constr Acct \$ 25,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 2,116,000

TOTAL \$ 2,141,000

- (68) Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)

Appropriation:

St Bldg Constr Acct \$ 45,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 6,942,000

TOTAL \$ 6,987,000

- (69) Preplan: Office and instructional building (Edmonds) (92-5-504)

Appropriation:

St Bldg Constr Acct \$ 58,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 8,485,000

TOTAL \$ 8,543,000

- (70) Preplan: Technical skills facility (South Puget Sound) (92-5-505)

Appropriation:

St Bldg Constr Acct	\$	42,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	5,849,000

TOTAL	\$	5,891,000
 (71) Learning resource center and technical facility (Green river) (92-5-506)		
Appropriation:		
St Bldg Constr Acct	\$	58,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	10,462,000

TOTAL	\$	10,520,000
 (72) Preplan: New Campus One (92-5-701)		
Appropriation:		
St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	14,800,000

TOTAL	\$	15,100,000
 (73) Pool repairs (Pierce)		
Appropriation:		
St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	600,000
 <u>NEW SECTION.</u> Sec. 44. FOR THE HIGHER EDUCATION COORDINATING BOARD		

Higher education facilities inventory: To develop, through use of existing institutional records and information systems, and implement, on a pilot demonstration basis at Western Washington University, a state-wide facilities inventory, measuring and describing the volume, condition, and use levels of classroom, research labs, teaching labs, office, and library space at the public institutions of higher education.

Appropriation:		
St Bldg Constr Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	300,000

TOTAL	\$	420,000

"PART 6
MISCELLANEOUS"

NEW SECTION. Sec. 45. The estimated general fund-state debt service costs related solely to the new capital appropriations within this act are \$26,220,000 during the

1991-93 fiscal period; \$146,400,000 during the 1993-95 fiscal period; and \$192,200,000 during the 1995-97 fiscal period.

NEW SECTION. Sec. 46. The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(1) Department of Social and Health Services to:

(a) Lease a multi-service center in Benton county for \$2,592,450 during the 1991-93 biennium; and

(b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium.

(2) Department of Corrections to:

(a) Lease-purchase a sixty-bed work-release facility in Benton county for \$1,186,850 during the 1991-93 biennium;

(b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;

(c) Lease-purchase twelve forty-bed work-release facilities in as-yet-undetermined locations state-wide for \$1,337,670 each, for a total of \$16,052,040 during the 1991-93 biennium;

(d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; and

(e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium.

(3) State Board for Community College Education to:

(a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;

(b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;

(c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;

(d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;

(e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;

(f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;

(g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;

(h) Lease-purchase land in Bellingham for Whatcom Community College for \$70,000 during the 1991-93 biennium;

(i) Purchase a central storage facility for Spokane Community College for \$75,000; and

(j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000.

(4) The Department of Ecology, to acquire, design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

NEW SECTION. Sec. 47. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.

One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. One-half of one percent of moneys appropriated in this act for original construction of any building by any college or university or for any major renovation or remodel work exceeding \$200,000 by any college or university is provided solely for the purposes of RCW 28B.10.027. One-half of one percent of moneys appropriated in this act for original construction of any other public building by a state agency as defined by RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

NEW SECTION. Sec. 48. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 49. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1991, in the 1989-91 biennial appropriations for each project.

NEW SECTION. Sec. 50. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 51. As part of the annual update to the state facilities and capital plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

NEW SECTION. Sec. 52. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital facilities and financing.

NEW SECTION. Sec. 53. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement under RCW 43.88.150 shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

NEW SECTION. Sec. 54. Notwithstanding any other provisions of law, for the 1991-93 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 55. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 56. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall

be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days prior to the date the transfer is effected.

NEW SECTION. Sec. 57. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's programmatic preplanning document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

NEW SECTION. Sec. 58. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications

for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

"PART 7

SEVERABILITY AND EFFECTIVE DATE"

NEW SECTION. Sec. 59. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 60. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 61. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending 1989 1st ex.s. c 12 s 397 (uncodified); amending 1989 1st ex.s. c 12 s 398 (uncodified); amending 1989 1st ex.s. c 12 s 605 (uncodified); amending 1989 1st ex.s. c 12 s 729 (uncodified); amending 1989 1st ex.s. c 12 s 733 (uncodified); amending 1989 1st ex.s. c 12 s 739 (uncodified); adding new sections to chapter 12, Laws of 1989 1st ex.s.; making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ebersole moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 1427 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives H. Sommers, Rasmussen and Schmidt as conferees on Engrossed Substitute House Bill No. 1427.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:30 p.m., Wednesday, June 18, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

NINTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Tuesday, June 18, 1991

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kalen Erickson and Marisa Rendon. Prayer was offered by The Reverend Randy Burtis, Minister of The Neighborhood Christian Center of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

June 17, 1991

Mr. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427. The President has appointed the following members as Conferees: Senators Bluechel, Rinehart and Matson.

W. D. Naismith, Deputy Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease. The Speaker called the House to order.

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

INTRODUCTIONS AND FIRST READING

HB 2225 by Representatives Belcher, Cole, Scott, R. Johnson, G. Fisher, R. Fisher and Fraser

AN ACT Relating to unsolicited goods, wares, merchandise, and services; amending RCW 19.56.020; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2226 by Representatives Rasmussen, Peery, Holland and Miller

AN ACT Relating to the teachers' in-service training act; and making an appropriation.

Referred to Committee on Appropriations.

HB 2227 by Representatives Horn, Heavey, Holland, G. Fisher, D. Sommers, Broback, Nealey, Haugen, Casada, Phillips, Ballard, Edmondson, Wynne, Brumsickle, Nelson, Morris, Ferguson, Mielke, Lisk, Schmidt, Bowman, Betzoff, Wineberry, Neher, Chandler, McLean, Miller, Tate, Mitchell, Vance, Brough, Wood, P. Johnson and Paris

AN ACT Relating to nonprofit homes for the aging; amending RCW 84.36.041; creating a new section; and declaring an emergency.

Referred to Committee on Revenue.

HB 2228 by Representatives Prentice, Heavey, Cole, Belcher, Jones, Mitchell, Nelson, Jacobsen, Wang, Franklin, Leonard, O'Brien, R. King, Brekke, Braddock, Pruitt, Valle, Appelwick, Phillips, Wineberry, Fraser, Peery, H. Myers and Anderson

AN ACT Relating to pesticide posting and recordkeeping; and amending RCW 17.21.100, 49.70.117, and 49.70.119.

Referred to Committees on Agriculture & Rural Development/Commerce & Labor.

ESSB 5149 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Rasmussen; by request of Public Disclosure Commission)

Regulating political gifts and public office funds.

Referred to Committee on State Government.

SB 5150 by Senators Nelson and Rasmussen; by request of Public Disclosure Commission

Adjusting campaign finance reporting requirements.

Referred to Committee on State Government.

ESSB 5318 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Owen,

Johnson, Vognild, Moore, Rasmussen, McCaslin, Matson, Sellar and West)

Prescribing penalties for money laundering.

Referred to Committee on Financial Institutions & Insurance.

SB 5444 by Senators Moore and A. Smith

Extending the time for a bank customer to discover and report unauthorized signatures and alterations.

SB 5988 by Senators Vognild and McCaslin

Allowing the levying of certain authorized library improvement tax levies.

MOTION

On motion of Mr. Dorn, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of Senate Bill No. 5444 and Senate Bill No. 5988.

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

REPORTS OF STANDING COMMITTEES

June 17, 1991

HB 2214 Prime Sponsor, Representative Haugen: Defining criminal justice purposes for the municipal criminal justice assistance account.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Horn; Nealey; Nelson; Rayburn; Wynne; and Zellinsky.

Excused: Representatives Franklin; Roland; and Wood.

June 17, 1991

HB 2215 Prime Sponsor, Representative Scott: Permitting the levy of previously authorized taxes, notwithstanding contrary provisions.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Horn; Nealey; Nelson; Rayburn; Wynne; and Zellinsky.

Excused: Representatives Franklin; Roland; and Wood.

Passed to Committee on Rules for second reading.

June 17, 1991

HB 2216 Prime Sponsor, Representative Jones: Changing provisions relating to industrial insurance death benefits for surviving spouses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; and Vance.

Excused: Representatives Fuhrman, Ranking Minority Member; and Wilson.

Passed to Committee on Rules for second reading.

June 17, 1991

HB 2220 Prime Sponsor, Representative Ebersole: Changing employment leave provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Heavey, Chair; Cole, Vice Chair; Franklin; Jones; R. King; O'Brien; and Prentice.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Assistant Ranking Minority Member; and Vance.

Excused: Representatives Fuhrman, Ranking Minority Member; and Wilson.

The Speaker referred House Bill No. 2215 and House Bill No. 2216 listed on today's committee reports under the fifth order of business to the committee so designated.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Dorn, the rules were suspended and Senate Bill No. 5444 and Senate Bill No. 5988 listed on today's introduction sheet under the fourth order of business were placed on the second reading calendar.

On motion of Mr. Dorn, the rules were suspended and House Bill No. 2214 and House Bill No. 2220 listed on today's committee reports under the fifth order of business were placed on the second reading calendar.

On motion of Mr. Dorn, Committee on Rules was relieved of House Bill No. 1095, Engrossed Substitute House Bill No. 1535, Substitute House Bill No. 1907 and Substitute House Bill No. 1909 and the bills were placed on the third reading calendar.

On motion of Mr. Dorn, Committee on Rules was relieved of House Concurrent Resolution No. 4416 and the resolution was placed on the second reading calendar.

On motion of Mr. Dorn, the rules were suspended, Committee on State Government was relieved of House Bill No. 2221, and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 1:30 p.m., Wednesday, June 19, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

FIRST SPECIAL SESSION

TENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wednesday, June 19, 1991

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Brough, Day, Rust and Sprenkle. On motion of Mr. Mielke, Representatives Beck and Brough were excused. On motion of Ms. Cole, Representatives Day, Rust and Sprenkle were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julie Anne Bonin and Jenny Thielen. Prayer was offered by The Reverend Randy Burtis, Minister of The Neighborhood Christian Center of Olympia..

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease. The Speaker (Mr. O'Brien presiding) called the House to order.

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

SECOND READING

HOUSE BILL NO. 2214, by Representatives Haugen, Prince, Wang and Edmondson; by request of Task Force on City/County Finances

Defining criminal justice purposes for the municipal criminal justice assistance account.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2214, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Beck, Brough, Day, Rust, Sprenkle - 05.

House Bill No. 2214, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2220, by Representatives Ebersole, Wang, Heavey, Cole, Jacobsen, Jones, Nelson, Franklin, Belcher, Cantwell, Anderson, Leonard, Spanel, Inslee, Pruitt, O'Brien, Prentice, Brekke, Peery, Appelwick and Wineberry

Changing employment leave provisions.

The bill was read the second time.

Mr. Vance moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 49.78.020 and 1989 1st ex.s. c 11 s 2 are each amended to read as follows:

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

(1) "Child" means a biological (~~(or)~~), adopted, or foster child when placement with the employee is the permanent plan, or a stepchild, living with the employee.

(2) "Department" means the department of labor and industries.

(3) "Employee" means a person other than an independent contractor employed by an employer ~~(on a continuous basis for the previous)~~ for at least fifty-two weeks within the previous seventy-eight weeks and for at least ((thirty-five)) an average of thirty-two hours per week.

(4) "Employer" means: (a) Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and includes any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which (i) employed a daily average of one hundred or more employees during the last calendar quarter at the place where the employee requesting leave reports for work, or (ii) employed a daily average of one hundred or more employees during the last calendar quarter within a twenty mile radius of the place

where the employee requesting leave reports for work, where the employer maintains a central hiring location and customarily transfers employees among workplaces; and (b) the state, state institutions, and state agencies.

(5) "Family leave" means leave from employment, as provided in RCW 49.78.030, to care for a newborn ((or)), a newly adopted child ((under the age of six or a child under eighteen years old with a terminal health condition, as provided in RCW 49.78.030)), or a newly placed foster child, or to care for a child with a serious health condition.

(6) "Health care provider" means a person licensed as a physician under chapter 18.71 ((RCW or an osteopath under chapter)) or 18.57 RCW.

(7) "Parent" means a biological, foster, or adoptive parent, or a stepparent.

(8) "Reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours or days per workweek.

(9) ((("Terminal health condition" means a condition caused by injury, disease, or illness, that, within reasonable medical judgment, is incurable and will produce death within the period of leave to which the employee is entitled-)) "Serious health condition" means an illness, injury, impairment, or physical or mental condition, whether or not preexisting, that requires:

(a) Inpatient care in a hospital, hospice, or residential medical care facility; or

(b) Continuing treatment or continuing supervision by a health care provider.

Sec. 2. RCW 49.78.030 and 1989 1st ex.s. c 11 s 3 are each amended to read as follows:

(1) An employee is entitled to twelve workweeks of family leave during any twenty-four month period to: (a) Care for a newborn child ((or)) of the employee, an adopted child of the employee who is under the age of ((six)) sixteen at the time of placement for adoption((or)) or((or)) a foster child when placement with the employee is the permanent plan and the foster child is under the age of sixteen at the time of placement; or (b) care for ((a child under eighteen years old of the employee who has a terminal)) a child with a serious health condition. Leave under subsection (1)(a) of this section shall be completed within twelve months after the birth or placement for adoption or foster care, as applicable. ((An employee is entitled to leave under subsection (1)(b) of this section only once for any given child)) For the leave under subsection (1)(b) of this section to apply for the care of the employee's child, the child must be under the age of eighteen, or be eighteen years of age or older and incapable of self-care because of a mental or physical impairment.

(2) Family leave may be taken on a reduced leave schedule subject to the approval of the employer.

(3) The leave required by this section may be unpaid. If an employer provides paid family leave for fewer than twelve workweeks, the additional workweeks of leave added to attain the twelve-workweek total may be unpaid. An employer may require an employee to first use up the employee's total accumulation of leave to which the employee is otherwise entitled before going on family leave; however, except as provided in subsection (4) of this section, nothing in this section requires an employer to offer employees more than twelve total workweeks of leave during any twenty-four month period. An employer is not required to allow an employee to use the employee's other leave in place of the leave provided under this chapter.

(4) The leave required by this section is in addition to any leave for sickness or temporary disability because of pregnancy or childbirth.

(5) An employer may limit or deny family leave to either:

(a) Up to ten percent of the employer's ((workforce)) work force in the state designated as key personnel by the employer. Any designation made under this ((section)) subsection shall take effect thirty days after it is issued and may be changed no more than once in any twelve-month period. The designation shall be in writing and shall be displayed in a conspicuous place. An employer shall not designate key personnel

on the basis of age or gender or for the purpose of evading the requirements of this chapter. No employee may be designated as key personnel after giving notice of intent to take leave pursuant to RCW 49.78.040(~~(--The designation shall be in writing and shall be displayed in a conspicuous place);~~); or

(b) If the employer does not designate key personnel, the highest paid ten percent of the employer's employees in the state.

Sec. 3. RCW 49.78.040 and 1989 1st ex.s. c 11 s 4 are each amended to read as follows:

(1) An employee planning to take family leave under RCW 49.78.030(1)(a) shall provide the employer with written notice at least thirty days in advance of the anticipated date of delivery or placement for adoption or foster care, stating the dates during which the employee intends to take family leave. The employee shall adhere to the dates stated in the notice unless:

(a) The birth is premature;

(b) The mother is incapacitated due to birth such that she is unable to care for the child;

(c) The employee takes physical custody of the newly adopted child at an unanticipated time and is unable to give notice thirty days in advance; ~~((or))~~

(d) The employee takes physical custody of the newly placed foster child at an unanticipated time and is unable to give notice thirty days in advance; or

(e) The employer and employee agree to alter the dates of family leave stated in the notice.

(2) In cases of premature birth, incapacity, or unanticipated placement for adoption or foster care referred to in subsection (1) of this section, the employee must give notice of revised dates of family leave as soon as possible but at least within one working day of the birth or placement ~~((for adoption))~~ or incapacitation of the mother.

(3) If family leave under RCW 49.78.030(1)(b) is foreseeable, the employee shall provide the employer with written notice at least fourteen days in advance of the expected leave and shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. If family leave under RCW 49.78.030(1)(b) is not foreseeable fourteen or more days before the leave is to take place, the employee shall notify the employer of the expected leave as soon as possible, but at least within one working day of the beginning of the leave.

(4) If the employee fails to give the notice required by this section, the employer may reduce or increase the family leave required by this chapter by three weeks.

Sec. 4. RCW 49.78.050 and 1989 1st ex.s. c 11 s 5 are each amended to read as follows:

(1) In the event of any dispute under this chapter regarding premature birth, incapacitation of the mother, maternity disability, or ~~((terminal condition of a child))~~ serious health condition of a child, an employer may require confirmation by a health care provider of: (a) The date of the birth; (b) the date on which incapacity because of childbirth or disability because of pregnancy or childbirth commenced or will probably commence, and its probable duration; or (c) for family leave under RCW 49.78.030(1)(b), the fact that the child has a ~~((terminal))~~ serious health condition.

(2) An employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider selected by the employer concerning any information required under subsection (1) of this section. If the health care providers disagree on any factor which is determinative of the employee's eligibility for family leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the employer's expense, shall be conclusive.

Sec. 5. RCW 49.78.070 and 1989 1st ex.s. c 11 s 7 are each amended to read as follows:

(1) Subject to subsection (2) of this section, an employee who exercises any right provided under RCW 49.78.030 shall be entitled, upon return from leave or during any reduced leave schedule:

(a) To the same position held by the employee when the leave commenced; or

(b) To a position with equivalent benefits and pay at a workplace within twenty miles of the employee's workplace when leave commenced; or

(c) If the employer's circumstances have so changed that the employee cannot be reinstated ~~((to the same position, or a position of equivalent pay and benefits))~~ under either (a) or (b) of this subsection, the employee shall be reinstated in any other position which is vacant and for which the employee is qualified. The filling of a position held by an employee on family leave under this chapter shall not by itself constitute changed circumstances.

(2) The entitlement under subsection (1) of this section is subject to bona fide changes in compensation or work duties, and does not apply if:

(a) The employee's position is eliminated by a bona fide restructuring, or reduction-in-force;

(b) The employee's workplace is permanently or temporarily shut down for at least thirty days;

(c) The employee's workplace is moved to a location at least sixty miles from the location of the workplace when leave commenced;

(d) An employee on family leave takes another job; or

(e) The employee fails to provide timely notice of family leave as required under RCW 49.78.040, or fails to return on the established ending date of leave.

Sec. 6. RCW 49.78.130 and 1989 1st ex.s. c 11 s 13 are each amended to read as follows:

No employer, employment agency, labor union, or other person shall discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a complaint, testified, or assisted in any proceeding under this chapter, or has exercised any rights afforded by this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 49.12 RCW to read as follows:

No employer may discharge or in any manner discriminate against any employee because he or she has filed a complaint, testified, or assisted in any proceeding under RCW 49.12.270 through 49.12.295, or has exercised any rights afforded by RCW 49.12.270 through 49.12.295.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 49.78.060 and 1989 1st ex.s. c 11 s 6; and

(2) RCW 49.78.210 and 1989 1st ex.s. c 11 s 21.

NEW SECTION. Sec. 9. A new section is added to chapter 49.78 RCW to read as follows:

To facilitate the orderly application of chapter ..., Laws of 1991 ex. sess. (House Bill No. 2220), to employees covered by an unexpired collective bargaining agreement that expires on or after January 1, 1992, or by an employee benefit program or plan with a stated year ending on or after the effective date of this section, the chapter shall apply to these employees the later of: (1) The first day following expiration of the collective bargaining agreement; or (2) the first day of the next plan year, as applicable.

NEW SECTION. Sec. 10. This act shall take effect January 1, 1992.

Mr. Vance spoke in favor of adoption of the amendment, and Mr. Heavey spoke against it.

The Speaker assumed the Chair.

Mr. Tate demanded an electric roll call vote, and the demand was sustained.

Ms. Miller spoke in favor of adoption of the amendment, and Representatives Ebersole and Cole spoke against it. Mr. Heavey again opposed the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Vance to House Bill No. 2220, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 52, Absent - 0, Excused - 5.

Voting yea: Representatives Ballard, Betrozoff, Bowman, Brekke, Broback, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Nelson, Padden, Paris, Prince, Rasmussen, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne - 41.

Voting nay: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., O'Brien, Ogden, Orr, Peery, Phillips, Prentice, Pruitt, Rayburn, Riley, Roland, Scott, Sheldon, Sommers, H., Spanel, Valle, Wang, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representatives Beck, Brough, Day, Rust, Sprenkle - 05.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Ebersole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2220, and the bill passed the House by the following vote: Yeas - 58, Nays - 35, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Cole, Cooper, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, Meyers, R., Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Scott, Sheldon, Sommers, H., Spanel, Valle, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Anderson, Betrozoff, Bowman, Broback, Brumsickle, Casada, Chandler, Edmondson, Ferguson, Forner, Fuhrman, Hochstatter, Horn, Johnson P., Lisk, May, McLean, Mielke, Miller, Mitchell, Morton, Moyer, Nealey, Neher, Padden, Prince, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne - 35.

Excused: Representatives Beck, Brough, Day, Rust, Sprenkle - 05.

House Bill No. 2220, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2221, by Representatives Bowman, Basich, Wynne, Sheldon, Schmidt, Heavey, Neher, Rasmussen, Chandler, Valle, D. Sommers, Zellinsky, Edmondson, Jones, Tate, Ludwig, Ballard, Bray, Prince, Prentice, O'Brien, May, Haugen, Broback, Nealey, Winsley, Beck, Ferguson, Van Luven, Horn, Lisk, Mielke, Casada, Forner, P. Johnson, Hochstatter, Morton, Holland, Padden, Betrozoff, Wineberry, Mitchell, Inslee, Ogden, Grant, Nelson, Cantwell, Belcher, Peery, Roland, Jacobsen, Locke, Cole, G. Fisher, Cooper, H. Myers, Dorn, Brumsickle, Vance, R. Meyers, Appelwick, Scott, Orr, R. King, Morris, Wang, Hine, R. Johnson, Riley, Leonard, Pruitt, Day, Paris, Wood, Brekke, McLean, R. Fisher, Spanel, Wilson, Miller, Silver, Ebersole, Franklin, Kremen, Rayburn, Anderson, Fuhrman, Sprenkle, Fraser, Moyer, Phillips, Hargrove and Brough

Establishing purple heart recipient recognition day.

The bill was read the second time.

With consent of the House,, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bowman and Anderson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2221, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Beck, Brough, Day, Rust, Sprenkle - 05.

House Bill No. 2221, having received the constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 4416, by Representatives Anderson, McLean, Jones, Rasmussen, Winsley, Kremen and Bowman

Creating the joint select committee on veterans and military personnel affairs.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Anderson spoke in favor of the resolution.

The Speaker called on Representative Wang to preside.

Mr. McLean spoke in favor of the resolution.

House Concurrent Resolution No. 4416 was adopted.

SENATE BILL NO. 5444, by Senators Moore and A. Smith

Extending the time for a bank customer to discover and report unauthorized signatures and alterations.

The bill was read the second time.

Mr. Dellwo moved adoption of the following amendments:

On page 2, line 17, after "bank, a" insert "natural person whose account is primarily for personal, family, or household purposes who does not within one year and any other"

On page 2, line 17, after "within" strike "~~((sixty days))~~ one year" and insert "sixty days"

Representatives Dellwo and Broback spoke in favor of adoption of the amendments, and they were adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5444 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden,

Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Beck, Brough, Day, Rust, Sprengle - 05.

Senate Bill No. 5444 as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4708, by Representatives Silver, D. Sommers, Padden, Prince, Nealey, Mielke, Brumsickle, Ludwig, Orr, Morton, Betrozoff, McLean, Ballard, Dellwo, Hochstatter and Tate

WHEREAS, Spokane is a city of varied achievements; and

WHEREAS, The Spokane Chiefs are one of the supreme highlights of the Eastern Washington landscape; and

WHEREAS, This year the Chiefs proved beyond a reasonable doubt that they are a group with talent, spirit, and strength; and

WHEREAS, The Chiefs, who captured the Western Hockey League title this year by winning 14 of 15 playoff games, dominated western hockey with their explosive offense; and

WHEREAS, The winning of the Memorial Cup this year, with triumphs over Drummondville, Sault Ste. Marie, and Chicoutimi, capped an already exuberant year of expert skills and skating; and

WHEREAS, Goaltender Trevor Kidd, scoring members Murray Garbutt, Mike Jickling, Jon Klemm, and Pat Falloon were unassailable in their playing; and

WHEREAS, Head Coach Bryan Maxwell, General Manager Tim Speltz, Assistant Coach Gary Braun, Athletic Therapist Rich More, Equipment Manager John Hern and players Brent Thurston, Kerry Toporowski, Scott Bailey, Chris LaFreniere, Frank Evans, Mike Chrun, Steve Junker, Mark Szoke, Ray Whitney, Geoff Grandberg, Cam Danyluk, Trevor Tovell, Bram Vanderkracht, Calvin Thudium, Mark Woolf, Shane Maitland, and Bart Cote all gave one hundred percent this season; and

WHEREAS, The City of Spokane and the state of Washington are proud of the accomplishments of the Spokane Chiefs;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the achievements of the Spokane Chiefs; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to all of the members and staff of the Spokane Chiefs.

Ms. Silver moved adoption of the resolution. Representatives Silver and Padden spoke in favor of the resolution.

House Floor Resolution No. 91-4708 was adopted.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5988, by Senators Vognild and McCaslin

Allowing the levying of certain authorized library improvement tax levies.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Haugen spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Haugen yielded to question by Mr. Ferguson.

Mr. Ferguson: The language in this bill does not include codification directions for the Code Reviser. What chapter of laws is affected by this bill?

Ms. Haugen: This bill affects chapter 84.55 RCW and voter approved waiving of the 106 percent limitation to finance library improvements. The Code Reviser will make a notation in chapter 84.55 RCW concerning this bill.

Mr. Ferguson spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5988, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Beck, Brough, Day, Rust, Sprenkle - 05.

Senate Bill No. 5988, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed Substitute House Bill No. 1025 and that the bill hold its place on the third reading calendar. The motion was carried.

HOUSE BILL NO. 1095, by Representatives Appelwick, Dellwo and Paris

Adding a new Article regarding funds transfers to the Uniform Commercial Code.

The bill was read the third time and placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1095, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Beck, Brough, Day, Rust, Sprenkle - 05.

House Bill No. 1095, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231, by House Committee on Transportation (originally sponsored by Representatives R. Fisher, R. Meyers, Betrozoff and Paris; by request of Office of Financial Management)

Adopting the 1991-93 transportation budget.

The bill was read the third time and placed on final passage.

Ms. R. Fisher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1231, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Beck, Brough, Day, Rust, Sprengle - 05.

Engrossed Substitute House Bill No. 1231, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1535, by House Committee on Energy & Utilities (originally sponsored by Representatives Cooper, Horn, Grant, May, R. Meyers, Hochstatter and Orr)

Requiring radon testing.

The bill was read the third time and placed on final passage.

Mr. Cooper spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Cooper yielded to question by Mr. Horn.

Mr. Horn: Representative Cooper, is the intent of this legislation to amend the Washington State Ventilation Code relating to radon testing.

Mr. Cooper: Yes. The code adopted on November 9, 1990, is revised by the language contained in Engrossed Substitute House Bill No. 1535.

Mr. Horn: When would this revision to the ventilation code take effect?

Mr. Cooper: Because the amendment will be made at the direction of the Legislature, under the provisions of 19.27.074 and 19.27A.045 it will take effect on July 1, 1991.

Mr. Horn: Will this requirement affect residences permitted before and completed after July 1?

Mr. Cooper: No. This requirement is intended to affect those permits issued after July 1, 1991, so the first kits will not be necessary until September or October of this year.

Mr. Horn spoke in favor of passage of the bill, and Ms. Fraser spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1535, and the bill passed the House by the following vote: Yeas - 81, Nays - 12, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Braddock, Bray, Brekke, Broback, Cantwell, Casada, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Wood, Wynne, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Bowman, Brumsickle, Chandler, Fraser, Fuhrman, Haugen, Kremen, Lisk, Morton, Moyer, Nealey, Winsley - 12.

Excused: Representatives Beck, Brough, Day, Rust, Sprenkle - 05.

Engrossed Substitute House Bill No. 1535, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed House Bill No. 1868 and that the bill hold its place on the third reading calendar. The motion was carried.

SUBSTITUTE HOUSE BILL NO. 1907, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Broback, Zellinsky, Mielke, Anderson, R. Meyers, Winsley, Inslee, Paris, Dorn, Schmidt, Scott and R. Johnson)

Regulating local government self-insurance.

MOTION

Mr. Dorn moved that the rules be suspended and that Substitute House bill No. 1907 be returned to second reading for purpose of amendment. The motion was carried.

Mr. Dellwo moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter is intended to provide the exclusive source of local government entity authority to individually or jointly self-insure risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services. This chapter shall be liberally construed to grant local government entities maximum flexibility in self-insuring to the extent the self-insurance programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every individual local government self-insured employee health and welfare benefit program and every joint local government self-insurance program. In addition, this chapter is intended to require every local government entity that establishes a self-insurance program not subject to prior approval to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW, or industrial insurance under chapter 51.14 RCW.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water districts, sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations.

(2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(6) "State risk manager" means the state risk manager of the division of risk management within the department of general administration.

NEW SECTION. Sec. 3. (1) The governing body of a local government entity may individually self-insure, may join or form a self-insurance program together with other entities, and may jointly purchase insurance or reinsurance with other entities for

property and liability risks, and health and welfare benefits only as permitted under this chapter. In addition, the entity or entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The agreement to form a joint self-insurance program shall be made under chapter 39.34 RCW.

(3) Every individual and joint self-insurance program is subject to audit by the state auditor.

(4) If provided for in the agreement or contract established under chapter 39.34 RCW, a joint self-insurance program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in such form and amount as the program's participants agree by contract; and

(e) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

(5) A local government entity that has decided to assume a risk of loss must have available for inspection by the state auditor a written report indicating the class of risk or risks the governing body of the entity has decided to assume.

(6) Every joint self-insurance program governed by this chapter shall appoint the risk manager as its attorney to receive service of, and upon whom shall be served, all legal process issued against it in this state upon causes of action arising in this state.

(a) Service upon the risk manager as attorney shall constitute service upon the program. Service upon joint insurance programs subject to this act can be had only by service upon the risk manager. At the time of service, the plaintiff shall pay to the risk manager a fee to be set by the risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the risk manager, each joint self-insurance program shall designate by name and address the person to whom the risk manager shall forward legal process so served upon him or her. The joint self-insurance program may change such person by filing a new designation.

(c) The appointment of the risk manager as attorney shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the joint self-insurance program, and shall remain in effect as long as there is in force in this state any contract made by the joint self-insurance program or liabilities or duties arising therefrom.

(d) The risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, shall be sent by the risk manager, to the person designated for the purpose by the joint self-insurance program in its most recent such designation filed with the risk manager. No proceedings shall be had against the joint self-insurance program, and the program shall not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the risk manager.

NEW SECTION. Sec. 4. (1) The property and liability advisory board is created, consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and five members appointed by the governor on the basis of their experience and knowledge in matters pertaining to local government risk management, self-insurance, and management of joint self-insurance programs. The board shall include at least two representatives from individual property or liability self-insurance programs and at least two representatives from joint property or liability self-insurance programs.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insurance programs covering liability and property risks;

(b) Reviewing and approving the creation of joint self-insurance programs covering property or liability risks;

(c) Reviewing annual reports filed by joint self-insurance programs covering property and liability risks and recommending that corrective action be taken by the programs when necessary; and

(d) Responding to concerns of the state auditor related to the management and operation of both individual and joint self-insurance programs covering liability or property risks.

(3) The board shall annually elect a chairman and a vice-chairman from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

NEW SECTION. Sec. 5. (1) The health and welfare advisory board is created consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and six members appointed by the governor on the basis of their experience and knowledge pertaining to local government self-insured health and welfare benefits programs. The board shall include one city management representative as recommended by the association of Washington cities; one county management representative as recommended by the Washington state association of counties; two management representatives from local government self-insured health and welfare programs; and two representatives of state-wide employee organizations representing local government employees.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insured health and welfare benefits programs;

(b) Reviewing and approving the creation of both individual and joint self-insured health and welfare benefits programs;

(c) Reviewing annual reports filed by health and welfare benefits programs and in recommending that corrective action be taken by the programs when necessary; and

(d) Responding to concerns of the state auditor related to the management and operation of health and welfare benefits programs.

(3) The board shall annually elect a chairman and a vice-chairman from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

NEW SECTION. Sec. 6. The state risk manager, in consultation with the property and liability advisory board, shall adopt rules governing the management and operation of both individual and joint local government self-insurance programs covering property or liability risks. The state risk manager shall also adopt rules governing the management and operation of both individual and joint local government self-insured health and welfare benefits programs in consultation with the health and welfare benefits advisory board. All rules shall be appropriate for the type of program and class of risk covered. The state risk manager's rules shall include:

(1) Standards for the management, operation, and solvency of self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;

(2) Standards for claims management procedures; and

(3) Standards for contracts between self-insurance programs and private businesses including standards for contracts between third-party administrators and programs.

NEW SECTION. Sec. 7. Before the establishment of a joint self-insurance program covering property or liability risks by local government entities, or an individual or joint local government self-insured health and welfare benefits program, the entity or entities must obtain the approval of the state risk manager. Risk manager approval is not required for the establishment of an individual local government self-insurance program covering property or liability risks. The entity or entities proposing creation of a self-insurance program requiring prior approval shall submit a plan of management and operation to the state risk manager and the state auditor that provides at least the following information:

(1) The risk or risks to be covered, including any coverage definitions, terms, conditions, and limitations or in the case of health and welfare benefits programs, the benefits to be provided, including any benefit definitions, terms, conditions, and limitations;

(2) The amount and method of financing the benefits or covered risks, including the initial capital and proposed rates and projected premiums;

(3) The proposed claim reserving practices;

(4) The proposed purchase and maintenance of insurance or reinsurance in excess of the amounts retained by the self-insurance program;

(5) In the case of a joint program, the legal form of the program, including but not limited to any bylaws, charter, or trust agreement;

(6) In the case of a joint program, the agreements with members of the program defining the responsibilities and benefits of each member and management;

(7) The proposed accounting, depositing, and investment practices of the program;

(8) The proposed time when actuarial analysis will be first conducted and the frequency of future actuarial analysis;

(9) A designation of the individual upon whom service of process shall be executed on behalf of the program. In the case of a joint program, a designation of the individual to whom service of process shall be forwarded by the risk manager on behalf of the program;

(10) All contracts between the program and private persons providing risk management, claims, or other administrative services;

(11) A professional analysis of the feasibility of creation and maintenance of the program; and

(12) Any other information required by rule of the state risk manager that is necessary to determine the probable financial and management success of the program or that is necessary to determine compliance with this chapter.

NEW SECTION. Sec. 8. A local government entity may participate in a joint self-insurance program covering property or liability risks with similar local government entities from other states if the program satisfies the following requirements:

(1) Only those local government entities of this state and similar entities of other states that are provided insurance by the program may have ownership interest in the program;

(2) The participating local government entities of this state and other states shall elect a board of directors to manage the program, a majority of whom shall be affiliated with one or more of the participating entities;

(3) The program must provide coverage through the delivery to each participating entity of one or more written policies effecting insurance of covered risks;

(4) The program shall be financed, including the payment of premiums and the contribution of initial capital, in accordance with the plan of management and operation submitted to the state risk manager in accordance with this chapter;

(5) The financial statements of the program shall be audited annually by the certified public accountants for the program, and such audited financial statements shall be delivered to the Washington state auditor and the state risk manager not more than one hundred twenty days after the end of each fiscal year of the program;

(6) The investments of the program shall be initiated only with financial institutions and/or broker-dealers doing business in those states in which participating entities are located, and such investments shall be audited annually by the certified public accountants for the program, and a list of such investments shall be delivered to the Washington state auditor not more than one hundred twenty days after the end of each fiscal year of the program;

(7) The treasurer of a multistate joint self-insurance program shall be designated by resolution of the program and such treasurer shall be located in the state of one of the participating entities;

(8) The participating entities may have no contingent liabilities for covered claims, other than liabilities for unpaid premiums, retrospective premiums, or assessments, if assets of the program are insufficient to cover the program's liabilities; and

(9) The program shall obtain approval from the state risk manager in accordance with this chapter and shall remain in compliance with the provisions of this chapter, except to the extent that such provisions are modified by or inconsistent with this section.

NEW SECTION. Sec. 9. (1) Within one hundred twenty days of receipt of a plan of management and operation, the state risk manager shall either approve or disapprove the formation of the self-insurance program after reviewing the plan to determine whether the proposed program complies with this chapter and all rules adopted in accordance with this chapter.

(2) If the state risk manager denies a request for approval, the state risk manager shall specify in detail the reasons for denial and the manner in which the program fails to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

(3) Whenever the state risk manager determines that a joint self-insurance program covering property or liability risks or an individual or joint self-insured health and welfare benefits program is in violation of this chapter or is operating in an unsafe financial condition, the state risk manager may issue and serve upon the program an order to cease and desist from the violation or practice.

(a) The state risk manager shall deliver the order to the appropriate entity or entities directly or mail it to the appropriate entity or entities by registered mail with return receipt requested.

(b) If the program violates the order or has not taken steps to comply with the order after the expiration of twenty days after the cease and desist order has been received by the program, the program is deemed to be operating in violation of this chapter, and the state risk manager shall notify the state auditor and the attorney general of the violation.

(c) After hearing or with the consent of a program governed by this chapter and in addition to or in lieu of a continuation of the cease and desist order, the risk manager may levy a fine upon the program in an amount not less than three hundred dollars and not more than ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid. The period within which such fines shall be paid shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the risk manager shall request the attorney general to bring a civil action on the risk manager's behalf to collect the fine. The risk manager shall pay any fine so collected to the state treasurer for the account of the general fund.

(4) Each self-insurance program approved by the state risk manager shall annually file a report with the state risk manager and state auditor providing:

- (a) Details of any changes in the articles of incorporation, bylaws, or interlocal agreement;
- (b) Copies of all the insurance coverage documents;
- (c) A description of the program structure, including participants' retention, program retention, and excess insurance limits and attachment point;
- (d) An actuarial analysis, if required;
- (e) A list of contractors and service providers;
- (f) The financial and loss experience of the program; and
- (g) Such other information as required by rule of the state risk manager.

(5) No self-insurance program requiring the state risk manager's approval may engage in an act or practice that in any respect significantly differs from the management and operation plan that formed the basis for the state risk manager's approval of the program unless the program first notifies the state risk manager in writing and obtains the state risk manager's approval. The state risk manager shall approve or disapprove the proposed change within sixty days of receipt of the notice. If the state risk manager denies a requested change, the risk manager shall specify in detail the reasons for denial and the manner in which the program would fail to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

NEW SECTION. Sec. 10. (1) All self-insurance programs governed by this chapter may provide for executive sessions in accordance with chapter 42.30 RCW to consider litigation and settlement of claims when it appears that public discussion of these matters would impair the program's ability to conduct its business effectively.

(2) Notwithstanding any provision to the contrary contained in the public disclosure act, chapter 42.17 RCW, in a claim or action against the state or a local government entity, no person is entitled to discover that portion of any funds or liability reserve established for purposes of satisfying a claim or cause of action, except that the reserve is discoverable in a supplemental or ancillary proceeding to enforce a judgment. All other records of individual or joint self-insurance programs are subject to disclosure in accordance with chapter 42.17 RCW.

(3) In accordance with chapter 42.17 RCW, bargaining groups representing local government employees shall have reasonable access to information concerning the experience and performance of any health and welfare benefits program established for the benefit of such employees.

NEW SECTION. Sec. 11. (1) The assets of a joint self-insurance program governed by this chapter may be invested only in accordance with the general investment authority that participating local government entities possess as a governmental entity.

(2) Except as provided in subsection (3) of this section, a joint self-insurance program may invest all or a portion of its assets by depositing the assets with the treasurer of a county within whose territorial limits any of its member local government entities lie, to be invested by the treasurer for the joint program.

(3) Local government members of a joint self-insurance program may by resolution of the program designate some other person having experience in financial or fiscal matters as treasurer of the program, if that designated treasurer is located in Washington state. The program shall, unless the program's treasurer is a county treasurer, require a bond obtained from a surety company authorized to do business in Washington in an amount and under the terms and conditions that the program finds will protect against loss arising from mismanagement or malfeasance in investing and managing program funds. The program may pay the premium on the bond.

All program funds must be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the treasurer or a person appointed by the program and upon orders or vouchers approved by the program or as authorized under chapters 35A.40 and 42.24 RCW. The treasurer shall establish a program account, into which shall be recorded all program funds, and the treasurer shall maintain such special accounts

as may be created by the program into which the treasurer shall record all money as the program may direct by resolution.

(4) The treasurer of the joint program shall deposit all program funds in a qualified public depository or depositories as defined in RCW 39.58.010(2) and under the same restrictions, contracts, and security as provided for any participating local government entity, and such depository shall be designated by resolution of the program.

(5) All interest and earnings collected on joint program funds belong to the program and must be deposited to the program's credit in the proper program account.

(6) A joint program may require a reasonable bond from any person handling money or securities of the program and may pay the premium for the bond.

(7) Subsections (3) and (4) of this section do not apply to a multistate joint self-insurance program governed by section 8 of this act.

NEW SECTION. Sec. 12. (1) No employee or official of a local government entity may directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the program. No employee or official of a local government entity may accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2) No local government entity may participate in a joint self-insurance program in which local government entities do not retain complete governing control. This prohibition does not apply to local government contribution to a self-insured employee health and welfare benefits plan otherwise authorized and governed by state statute nor to local government participation in a multistate joint program where control is shared with local government entities from other states.

(3) Moneys made available and moneys expended by school districts and educational service districts for self-insurance under this chapter are subject to such rules of the superintendent of public instruction as the superintendent may adopt governing budgeting and accounting. However, the superintendent shall ensure that the rules are consistent with those adopted by the state risk manager for the management and operation of self-insurance programs.

(4) RCW 48.30.140, 48.30.150, 48.30.155, and 48.30.157 apply to the use of agents and brokers by local government self-insurance programs.

(5) Every individual and joint local government self-insured health and welfare benefits program that provides comprehensive coverage for health care services shall include mandated benefits that the state health care authority is required to provide under RCW 41.05.170 and 41.05.180. The state risk manager may adopt rules identifying the mandated benefits.

NEW SECTION. Sec. 13. Every local government entity that has established a self-insurance program not subject to the prior approval requirements of this chapter shall provide written notice to the state auditor of the existence of the program. The notice must identify the manager of the program and the class or classes of risk self-insured. The notice must also identify all investments and distribution of assets of the program, the current depository of assets and the program's designation of asset depository and investment agent as required by section 11 of this act. In addition, the local government entity shall notify the state auditor whenever the program covers a new class of risk or discontinues the self-insurance of a class of risk.

NEW SECTION. Sec. 14. Every joint self-insurance program covering liability or property risks shall provide for the contingent liability of participants in the program if assets of the program are insufficient to cover the program's liabilities, unless coverage

in the joint program is expressly limited to the available assets of the program and the limitation is expressly acknowledged or agreed upon by the local government entities.

NEW SECTION. Sec. 15. A joint self-insurance program approved in accordance with this chapter is exempt from insurance premium taxes, from fees assessed under chapter 48.02 RCW, from chapters 48.32 and 48.32A RCW, from business and occupations taxes imposed under chapter 82.04 RCW, and from any assigned risk plan or joint underwriting association otherwise required by law. This section does not apply to and no exemption is provided for insurance companies issuing policies to cover program risks.

NEW SECTION. Sec. 16. (1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations shall be charged to the self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) After the formation of the two advisory boards, each board may calculate, levy, and collect from each joint property and liability self-insurance program and each individual and joint health and welfare benefit program regulated by this chapter a start-up assessment to pay initial expenses and operating costs of the boards and the risk manager's office in administering this chapter. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

NEW SECTION. Sec. 17. (1) Any person who files reports or furnishes other information required under Title 48 RCW, required by the risk manager or the state auditor under authority granted by Title 48 RCW, or which is useful to the risk manager or the state auditor in the administration of Title 48 RCW, shall be immune from liability in any civil action or suit arising from the filing of any such report or furnishing such information to the risk manager or to the state auditor, unless actual malice, fraud, or bad faith is shown.

(2) The risk manager and the state auditor, and the agents and employees of each, are immune from liability in any civil action or suit arising from the publication of any report or bulletins or arising from dissemination of information related to the official activities of the risk manager, the advisory boards, or the state auditor, unless actual malice, fraud, or bad faith is shown.

(3) The immunity granted by this section is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

Sec. 18. RCW 41.04.180 and 1974 ex.s. c 82 s 1 are each amended to read as follows:

Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter ((48.52)) 48.62 RCW, for group hospitalization and medical aid policies or plans: **PROVIDED**, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter ((48.52)) 48.62 RCW: **AND PROVIDED**

FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.400.350.

Sec. 19. RCW 35.23.460 and 1965 c 7 s 35.23.460 are each amended to read as follows:

Subject to chapter 48.62 RCW, any city of the second or third class or town may contract with an insurance company authorized to do business in this state to provide group insurance for its employees including group false arrest insurance for its law enforcement personnel, and pursuant thereto may use a portion of its revenues to pay an employer's portion of the premium for such insurance, and may make deductions from the payrolls of employees for the amount of the employees' contribution and may apply the amount deducted in payment of the employees' portion of the premium.

Sec. 20. RCW 35A.41.020 and 1983 c 3 s 66 are each amended to read as follows:

Except as otherwise provided in this title, the general provisions relating to public employment, including hospitalization and medical aid as provided in chapter 41.04 RCW, and the application of federal social security for public employees, the acceptance of old age and survivors insurance as provided in chapters 41.47 and 41.48 RCW, military leave as provided in RCW 38.40.060, self-insurance as provided in chapter 48.62 RCW, the application of industrial insurance as provided in Title 51 RCW, and chapter 43.101 RCW relating to training of law enforcement officers, shall apply to code cities. Any code city may retain any civil service system theretofore in effect in such city and may adopt any system of civil service which would be available to any class of city under general law.

Sec. 21. RCW 36.32.400 and 1975-'76 2nd ex.s. c 106 s 7 are each amended to read as follows:

Subject to chapter 48.62 RCW, any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under RCW 41.04.205.

Sec. 22. RCW 53.08.170 and 1987 c 50 s 1 are each amended to read as follows:

The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commissioner shall by resolution provide: PROVIDED, That any district providing insurance benefits for its employees in any manner whatsoever may provide health and accident insurance, life insurance with coverage not to exceed that provided district employees, and business related travel, liability, and errors and omissions insurance, for its commissioners, which insurance shall not be considered to be compensation.

Subject to chapter 48.62 RCW, the port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans

or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds: PROVIDED FURTHER, That no port district employee shall be allowed to apply for admission to or be accepted as a member of the state employees' retirement system after January 1, 1965, if admission to such system would result in coverage under both a private pension system and the state employees' retirement system, it being the purpose of this proviso that port districts shall not at the same time contribute for any employee to both a private pension or retirement plan and to the state employees' retirement system. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries, benefits, or taxes of other employers or otherwise; to enter into such contracts and arrangements with and to transfer by warrant such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

Sec. 23. RCW 54.04.050 and 1984 c 15 s 1 are each amended to read as follows:

(1) Subject to chapter 48.62 RCW, any public utility district engaged in the operation of electric or water utilities may enter into contracts of group insurance for the benefit of its employees, and pay all or any part of the premiums for such insurance. Such premiums shall be paid out of the revenues derived from the operation of such properties: PROVIDED, That if the premium is to be paid by the district and employees jointly, and the benefits of the policy are offered to all eligible employees, not less than seventy-five percent of such employees may be so insured.

(2) A public utility district whose employees or officials are not members of the state retirement system engaged in the operation of electric or water utilities may contract for individual annuity contracts, retirement income policies or group annuity contracts, including prior service, to provide a retirement plan, or any one or more of them, and pay all or any part of the premiums therefor out of the revenue derived from the operation of its properties.

Sec. 24. RCW 56.08.100 and 1991 c 82 s 1 are each amended to read as follows:

Subject to chapter 48.62 RCW, a sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A sewer district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage.

Sec. 25. RCW 57.08.100 and 1991 c 82 s 5 are each amended to read as follows:

Subject to chapter 48.62 RCW, a water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group

insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A water district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage.

Sec. 26. RCW 43.09.260 and 1979 c 71 s 1 are each amended to read as follows:

The state auditor, the chief examiner, and every state examiner shall have power by himself or herself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of all taxing districts shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all taxing districts shall be made at least once in every three years, and an examination of individual local government health and welfare benefit plans and joint local government self-insurance programs shall be made at least once every two years. The term "taxing districts" for purposes of RCW 43.09.190 through 43.09.285 includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of taxing districts which shall include: A designation of the various classifications of taxing districts; a designation of the frequency for auditing each type of taxing district; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his or her deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses to do, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney

general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Sec. 27. RCW 39.58.080 and 1986 c 160 s 1 are each amended to read as follows:

Except for funds deposited pursuant to a fiscal agency contract with the state fiscal agent or its correspondent bank, and funds deposited pursuant to a local government multistate joint self-insurance program as provided in section 8 of this act, no public funds shall be deposited in demand or investment deposits except in a qualified public depository located in this state or as otherwise expressly permitted by statute: PROVIDED, That the commission, upon good cause shown, may authorize a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington solely for the purpose of transmitting money received to financial institutions in the state of Washington for deposit for such time and upon such terms and conditions as the commission deems appropriate.

Sec. 28. RCW 4.28.080 and 1987 c 361 s 1 are each amended to read as follows:

The summons shall be served by delivering a copy thereof, as follows:

(1) If the action be against any county in this state, to the county auditor or, during normal office hours, to the deputy auditor, or in the case of a charter county, summons may be served upon the agent, if any, designated by the legislative authority.

(2) If against any town or incorporated city in the state, to the mayor, city manager, or, during normal office hours, to the mayor's or city manager's designated agent or the city clerk thereof.

(3) If against a school or fire district, to the superintendent or commissioner thereof or by leaving the same in his or her office with an assistant superintendent, deputy commissioner, or business manager during normal business hours.

(4) If against a railroad corporation, to any station, freight, ticket or other agent thereof within this state.

(5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found within the state.

(6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance within this state.

(7) If against a foreign or alien insurance company, as provided in chapter 48.05 RCW.

(8) If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this state.

(9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, the registered agent, secretary, cashier or managing agent thereof or to the secretary, stenographer or office assistant of the president or other head of the company or corporation, registered agent, secretary, cashier or managing agent.

(10) If the suit be against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof.

(11) If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, guardian, or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed, if such there be.

(12) If against any person for whom a guardian has been appointed for any cause, then to such guardian.

(13) If against a foreign or alien steamship company or steamship charterer, to any agent authorized by such company or charterer to solicit cargo or passengers for transportation to or from ports in the state of Washington.

(14) If against a joint self-insurance program regulated by chapter 48.62 RCW, as provided in chapter 48.62 RCW.

(15) In all other cases, to the defendant personally, or by leaving a copy of the summons at the house of his usual abode with some person of suitable age and discretion then resident therein.

Service made in the modes provided in this section shall be taken and held to be personal service.

NEW SECTION. Sec. 29. Sections 1 through 17 of this act shall be added to chapter 48.62 RCW.

NEW SECTION. Sec. 30. (1) This act shall take effect January 1, 1992, but the state risk manager shall take all steps necessary to implement this act on its effective date.

(2) Every individual local government self-insured employee health and welfare plan and joint self-insurance program that has been in continuous operation for at least one year before the effective date of this act need not obtain approval to continue operations until January 1, 1993, but must comply with all other provisions of this act.

(3) Local government entity authority to self-insure employee health and welfare benefits applies retroactively to 1979.

NEW SECTION. Sec. 31. All rules adopted by the superintendent of public instruction by the effective date of this act that apply to self-insurance programs of educational service districts remain in effect until expressly amended, repealed, or superseded by the state risk manager or the state health care authority.

NEW SECTION. Sec. 32. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

- (1) RCW 48.62.010 and 1985 c 277 s 1 & 1979 ex.s. c 256 s 1;
- (2) RCW 48.62.020 and 1979 ex.s. c 256 s 2;
- (3) RCW 48.62.030 and 1985 c 277 s 2, 1983 c 59 s 17, & 1979 ex.s. c 256 s 3;
- (4) RCW 48.62.035 and 1985 c 277 s 3;
- (5) RCW 48.62.040 and 1986 c 302 s 1, 1985 c 278 s 1, & 1979 ex.s. c 256 s 4;
- (6) RCW 48.62.050 and 1989 c 175 s 114 & 1979 ex.s. c 256 s 5;
- (7) RCW 48.62.060 and 1979 ex.s. c 256 s 6;
- (8) RCW 48.62.070 and 1988 c 281 s 4, 1985 c 277 s 4, & 1979 ex.s. c 256 s 7;
- (9) RCW 48.62.080 and 1985 c 277 s 5 & 1979 ex.s. c 256 s 8;
- (10) RCW 48.62.090 and 1979 ex.s. c 256 s 9;
- (11) RCW 48.62.100 and 1985 c 277 s 6 & 1979 ex.s. c 256 s 10;
- (12) RCW 48.62.110 and 1985 c 277 s 7 & 1979 ex.s. c 256 s 11; and
- (13) RCW 48.62.120 and 1979 ex.s. c 256 s 12.

Representatives Dellwo and Broback spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Dellwo to the title was adopted:

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 41.04.180, 35.23.460, 35A.41.020, 36.32.400, 53.08.170, 54.04.050, 56.08.100, 57.08.100, 43.09.260, 39.58.080, and 4.28.080; adding new sections

to chapter 48.62 RCW; creating new sections; repealing RCW 48.62.010, 48.62.020, 48.62.030, 48.62.035, 48.62.040, 48.62.050, 48.62.060, 48.62.070, 48.62.080, 48.62.090, 48.62.100, 48.62.110, and 48.62.120; and providing an effective date."

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1907, and the bill passed the House by the following vote: Yeas - 77, Nays - 16, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Braddock, Bray, Brekke, Broback, Cantwell, Casada, Cole, Cooper, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Riley, Roland, Schmidt, Scott, Sheldon, Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Betzoff, Bowman, Brumsickle, Chandler, Edmondson, Fuhrman, Horn, Lisk, May, Morton, Nealey, Padden, Rayburn, Silver, Sommers, D., Wood - 16.

Excused: Representatives Beck, Brough, Day, Rust, Sprengle - 05.

Engrossed Substitute House Bill No. 1907, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1909, by House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Paris and R. Johnson; by request of Insurance Commissioner)

Increasing the capital and surplus requirements of insurance companies.

The bill was read the third time and placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1909, and the bill passed the House by the following vote: Yeas - 89, Nays - 4, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Braddock, Bray, Brekke, Broback, Cantwell, Casada, Chandler, Cole, Cooper, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser,

Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Betrozoff, Bowman, Brumsickle, Mielke - 04.

Excused: Representatives Beck, Brough, Day, Rust, Sprenkle - 05.

Substitute House Bill No. 1909, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4707, by Representatives Forner and Holland

WHEREAS, Katherine Ann Pullen was awarded the President's Medal by University of Washington President William P. Gerberding at commencement on June 15, 1991; and

WHEREAS, The President's Medal is awarded annually to the one graduating senior at the University of Washington having the most distinguished academic record as measured by criteria that emphasize grade point average and difficulty of curriculum; and

WHEREAS, Kathy Pullen has achieved the number one ranking while engaging in a number of extracurricular activities and holding down a part-time job; and

WHEREAS, Kathy has met the highest standards of achievement expected of a valedictorian, but in addition, she has demonstrated unusual breadth and depth of accomplishment, ranging from technical excellence in sciences, such as biochemistry, to creative excellence in artistic endeavors, such as dance; and

WHEREAS, Kathy has worked very hard in attaining this number one ranking without ever losing her many appealing human qualities, including humility, vitality, compassion, integrity, sensitivity, and love of life;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That Kathy is to be congratulated for her outstanding academic excellence and for being the 1991 University of Washington President's Medalist; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to Kathy Pullen; to her parents, King County Councilmember Kent Pullen and Dr. Fay E. Pullen; to her grandparents, Carl and Marjorie E. Endres and Maris M. Pullen; and to the Superintendent of the Kent School District, Dr. George Daniel.

Ms. Forner moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4707 was adopted.

HOUSE RESOLUTION NO. 91-4710, by Representatives Hine, Grant, Heavey, Valle, Leonard, Holland, Forner, Morton, G. Fisher, Prentice, Kremen, Braddock, Spanel and Anderson

WHEREAS, Some recent scientific studies suggest a possible link between exposure to electric and magnetic fields and human health effects; and

WHEREAS, There has been increasing public attention and concern about possible health effects from electric and magnetic fields (EMF); and

WHEREAS, Electricity is essential to the productivity, health, and security of all people in the United States; and

WHEREAS, It is recognized that there is a clear need for a solid scientific basis for decision making on the EMF issue, particularly with respect to the confident establishment of standards for field strength exposures; and

WHEREAS, It is also recognized that individual states and local jurisdictions do not have the resources to conduct thorough and conclusive scientific research on the health effects of EMF; and

WHEREAS, It is in the nation's best interest to address the possible health effects of EMF on a national basis, through research conducted by an independent institution with a credible track record in public health research;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives support any efforts by the Congress of the United States to provide, alone or in conjunction with other public and private entities, additional funding to expand and accelerate a national research program to address and resolve the growing concern about possible health effects from electric and magnetic fields and that the House of Representatives support a research program overseen by an independent advisory board consisting of top-level officials from federal agencies, state health departments, and public utility commissions.

Ms. Hine moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4710 was adopted.

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

INTRODUCTIONS AND FIRST READING

HB 2229 by Representatives G. Fisher, Wang, Basich, Sheldon, Brough, Miller, Ferguson, Hine, Jones and Anderson

AN ACT Relating to support of the common schools; amending RCW 67.70.040 and 67.70.240; providing an effective date; and declaring an emergency.

Referred to Committee on Revenue.

HB 2230 by Representatives Heavey, Zellinsky, Haugen, Brough, Spanel, Horn, R. Johnson, Braddock and Wilson

AN ACT Relating to the regulation of cable television on islands; adding new sections to chapter 80.54 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Energy & Utilities.

MOTION

On motion of Mr. Dorn, the bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 10:00 a.m., Friday, June 21, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

FIRST SPECIAL SESSION

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, June 21, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelly Shriver and Jaimie Cotton. Prayer was offered by The Reverend Randy Burtis, Minister of The Neighborhood Christian Church of Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

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

INTRODUCTIONS AND FIRST READING

HB 2231 by Representatives Zellinsky, Broback, Schmidt, Dellwo, Sheldon, R. Meyers, Scott, Paris, Winsley and Kremen

AN ACT Relating to the surety bond required from fire protection sprinkler system contractors; adding a new section to chapter 18.160 RCW; repealing RCW 18.160.060; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2232 by Representatives Holland, Paris, Van Luven and Edmondson

AN ACT Relating to dedicating revenue for education; amending RCW 28B.15.031, 67.70.040, 67.70.240, 84.52.043, 84.52.065, and 84.52.067; adding a new section to chapter 43.79 RCW; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Revenue.

HB 2233 by Representatives H. Myers, Cooper, Ferguson, R. Meyers, Haugen, Franklin, Wynne and Paris

AN ACT Relating to rotation of names on the ballot for public utility district elections; and amending RCW 29.18.022, 29.30.025, 29.21.010, 29.30.040, 54.08.010, 54.08.070, and 54.08.080.

Referred to Committee on Local Government.

HB 2234 by Representatives Bowman, Lisk, R. Johnson, Chandler, Vance, Casada, Wynne, Sheldon, Ludwig, Mielke, Kremen and Paris

AN ACT Relating to enforcement of state laws and rules; adding a new section to chapter 43.01 RCW; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HJM 4023 by Representatives P. Johnson, Sheldon, Hochstatter, Hargrove, Casada, Rayburn, Chandler, Kremen, Betzoff, Roland, Tate, Leonard, McLean, Jacobsen, Bowman, Basich, Morton, Spanel, Ferguson, Locke, Mitchell, Schmidt, Wood, H. Myers, Edmondson, Horn, Broback, Brough, Miller, D. Sommers, Riley, Zellinsky, Brumsickle, Fuhrman, Wynne, Peery, Lisk, Mielke, Padden, Wilson, May, Silver, Neher, Ballard, Paris, Ludwig, Inslee, Vance, Pruitt, Jones, Morris and Rasmussen

Asking Congress to pass the Tax Fairness Act for families with an exemption for children of at least thirty-five hundred dollars.

Referred to Committee on Revenue.

HCR 4422 by Representatives Hine, McLean, Spanel, Sheldon, H. Myers, Pruitt, Kremen, Jones, Franklin, Ludwig, Bray, Cole, Rayburn, Valle, Wynne, Neher, D. Sommers, Fraser, Leonard, Basich, Rasmussen and Anderson

Resolving that the joint committee on pension policy continue to review pension options.

MOTION

On motion of Mr. Appelwick, the bills and memorial listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

MOTIONS

On motion of Mr. Appelwick, the rules were suspended and House Concurrent Resolution No. 4422 was advanced to second reading and read the second time in full.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Hine, Silver, Spanel and D. Sommers spoke in favor of the resolution.

House Concurrent Resolution No. 4422 was adopted.

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

REPORT OF STANDING COMMITTEES

June 19, 1991

HB 2224 Prime Sponsor, Representative Wang: Directing the general fund lottery moneys be used for the support of the common schools. Reported by Committee on Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Fraser, Vice Chair; Wynne, Assistant Ranking Minority Member; Belcher; Brumsickle; Leonard; Morris; and Morton.

MINORITY recommendation: Without recommendation. Signed by Representative Silver.

Excused: Representatives Holland, Ranking Minority Member; Appelwick; Day; Phillips; Rust; and Van Luven.

MOTION

On motion of Ms. Hine, the rules were suspended and House Bill No. 2224 listed on today's committee report under the fifth order of business was placed on the second reading calendar.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. R. Meyers presiding) called the House to order.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease.
The Speaker (Mr. O'Brien presiding) called the House to order.

There being no objection, the House advanced to the eighth order of business.

RESOLUTIONS

HOUSE RESOLUTION NO. 91-4709, by Representatives Brumsickle and Bowman

WHEREAS, The Centralia Tigers Girls Slow Pitch Softball Team played an aggressive season achieving their final victory, the 1991 Washington State High School AA championship; and

WHEREAS, With a season record of twenty-four to three they shut out Edmonds-Woodway, five to zip in the final playoff game; and

WHEREAS, These successful team members personified the word dedication with their hard work, high expectations, and fine attitude; and

WHEREAS, The superior teamwork this group developed through long hours of practice was evident in the members' ability to achieve under stress; and

WHEREAS, This was the second year this team won its way to the playoffs, finishing third in state in 1990, and now has a two-year record of forty-nine to five; and

WHEREAS, The winning team had a winning coaching staff led by Ronald Brown and assisted by Gerry McCullough and Melissa Crowston who advised the girls and cheered them on; and

WHEREAS, All fifteen team members, ten of whom will return next year, played their roles with alacrity, cooperation, and good sportsmanship; and

WHEREAS, The retiring seniors, Charity Barr, Tammy Blair, Julie Nelson, Erin Erb, and Arin Kimbrough, each contributed her intelligence, athletic abilities, and timing to the team, giving that extra measure in her last year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and commend the Centralia High School Girls Softball Team for its victories, its heart, its collaboration, and its persistence regardless of the odds; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Principal Larry Brown, Coach Ronald Brown, Assistant Coaches Gerry McCullough and Melissa Crowston, and to each of the senior team members.

Mr. Anderson moved adoption of the resolution. Representatives Bowman and Basich spoke in favor of the resolution.

House Resolution No. 91-4709 was adopted.

HOUSE RESOLUTION NO. 91-4712, by Representatives Bowman and Brumsickle

WHEREAS, Petty Officer 2nd Class Michael Germeau, U.S. Navy, was stationed at Moffat Field where he was perfecting his skill as an inflight technician; and

WHEREAS, On March twenty-first nineteen hundred and ninety-one his plane went down when he was flying a training mission to prepare the team for Operation Desert Storm; and

WHEREAS, Michael was only twenty-two years old at the time of his death and had already served for four years in the Navy; and

WHEREAS, He loved his assignment in the Navy, his work, and was happy being able to serve his country as a naval "IFT"; and

WHEREAS, The loss of a man during training for war is no less commendable than in the heat of battle for it, too, is a sacrifice made to protect one's country and its principles;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and respect Petty Officer 2nd Class Michael Germeau for patriotically contributing his life to the cause of freedom; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to his mother, Gloria Roberts, his father, Steve Germeau, and his wife, Stephanie Schultz Germeau.

Ms. Bowman moved adoption of the resolution and spoke in favor of it. House Resolution No. 91-4712 was adopted.

HOUSE RESOLUTION NO. 91-4713, by Representatives Bowman and Brumsickle

WHEREAS, Petty Officer David E. Fish of the United States Navy died on November 14, 1990, while on board the USS Sacramento, which was proceeding to the Persian Gulf to participate in Operation Desert Shield; and

WHEREAS, He relinquished his life at only thirty years old having served in the United States Navy nearly his entire adult life; and

WHEREAS, David had just reenlisted in the Navy he loved, planning to make it his lifetime career; and

WHEREAS, He was prepared to serve his country giving even his life to preserve the ideal of freedom of choice for everyone; and

WHEREAS, His death was a noble gift occurring while he was serving his country, upholding the right to freedom;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and memorialize Petty Officer David E. Fish for his devotion to his country, his unflinching commitment to serve, his patriotism even in the face of danger, and his observance to duty at the cost of his own life; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to David's parents, Ira and Lora Fish of Randle, Washington, and his wife, Sarah Fish of Chehalis, Washington.

Ms. Bowman moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4713 was adopted.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Anderson, the House adjourned until 1:30 p.m., Monday, June 24, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

FIRST SPECIAL SESSION

FIFTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, June 24, 1991

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Marissa Karras and Laura Fleisher. Prayer was offered by The Reverend Peter Man, Minister of Olympia Christian Reformed Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease. The Speaker (Mr. O'Brien presiding) called the House to order.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4711, by Representatives Rasmussen, Dorn and Wang

WHEREAS, Teaching is an honorable profession, requiring a deep and abiding commitment from individuals entrusted with the task of educating our children; and

WHEREAS, Children are motivated to learn through innovative and inspirational efforts of teachers in the classroom; and

WHEREAS, Teachers must be recognized for such ability and effort; and

WHEREAS, Pat Roberts-Dempsey, since 1969, has taught in the Bethel School District at the elementary, junior high, and high school levels; and

WHEREAS, Along the way, Pat Roberts-Dempsey has worn the "hat" of teacher and counselor, disciplinarian and friend, all in the pursuit of motivating and educating the thousands of children who have come through her classrooms; and

WHEREAS, The integrated curriculum at Challenger High School, an alternative education facility and one of the state's Schools for the 21st Century,

enables Pat Roberts-Dempsey to work with children that she believes can succeed if given an opportunity to do so; and

WHEREAS, Pat Roberts-Dempsey has taken a leadership role in focusing our attention on the educational system through her involvement in numerous professional, school district, and community organizations; and

WHEREAS, The Washington Education Association recognized Pat Roberts-Dempsey as Washington State Teacher of the Year for 1991, an honor that is a testimony to the concern, sacrifice, and dedication she has shown while making a difference in our educational system;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Pat Roberts-Dempsey for her efforts which so positively reflect upon herself, the teaching profession, the Bethel School District, and students who have been inspired by her; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Pat Roberts-Dempsey, the Washington Education Association, the Bethel School District, and Challenger High School.

Ms. Rasmussen moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4711 was adopted.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Wang, the House adjourned until 1:30 p.m., Wednesday, June 26, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION
SEVENTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wednesday, June 26, 1991

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Ballard, Beck, Prentice and Sprenkle. On motion of Ms. Casada, Representatives Ballard and Beck were excused. On motion of Ms. Cole, Representatives Prentice and Sprenkle were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Matt Ward and Sarah O'Neal. Prayer was offered by The Reverend Peter Man, Minister of Olympia Christian Reformed Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

June 24, 1991

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5718,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5790,
ENGROSSED SENATE BILL NO. 5985,
SENATE BILL NO. 5997,
ENGROSSED SENATE BILL NO. 5998,
SENATE CONCURRENT RESOLUTION NO. 8416,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4692, by Representatives Bowman, Kremen, Wilson, Brumsickle, Spanel, R. Johnson and Rasmussen

WHEREAS, Hunger and malnutrition are major issues that concern all citizens of Washington State; and

WHEREAS, One of the most effective ways to combat hunger and malnutrition is to allow private industry and volunteer organizations to work together to solve this problem; and

WHEREAS, The Northwest Food Processors Association and Food Lifeline have joined forces to fight hunger. Members of the Food Processors Association donate large quantities of wholesome, nutritious, surplus food to Food Lifeline, who then distributes it to local food banks; and

WHEREAS, Food Lifeline is providing the management for the program, and all other goods and services, including the food, the processing, the storage, and the transportation, are donated to the program; and

WHEREAS, National Frozen Food Corporation and Bellingham Frozen Foods have donated food, Western Concord provided plastic bags, Container Corporation of America provided corrugated boxes, Americold provided cold storage, and Associated Grocers and Safeway have provided truck transportation to the food bank project;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the contributions made by these organizations to end hunger, and urge other organizations in the food processing industry to join in this program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dave Klick, Executive Director of the Washington Food Processors Council.

Ms. Bowman moved adoption of the resolution and spoke in favor of it.

House Resolution No. 91-4692 was adopted.

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

INTRODUCTIONS AND FIRST READING

HB 2235 by Representatives Wang, Wilson, Prince, Belcher, Silver, R. King, Orr, Spanel and Day

AN ACT Relating to increasing department of wildlife revenue by increasing the amount of fees for hunting and fishing licenses and personalized license plates; amending RCW 77.32.101, 77.32.161, 77.32.191, 77.32.211, 77.32.230, 77.32.240, 77.32.256, 77.32.340, 77.32.350, 77.32.360, 77.32.370, and 77.32.380; adding a new section to chapter 77.32 RCW; adding a new section to chapter 46.16 RCW; providing an effective date; and declaring an emergency.

SB 5718 by Senators Owen, Oke, Rasmussen, Conner, Nelson, Thorsness, Bauer and von Reichbauer

Establishing purple heart recipient recognition day.

ESSB 5790 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Moore, Vognild, Rasmussen, McCaslin, Johnson and West)

Concerning automobile liability insurance.

ESB 5985 by Senator West

Changing requirements for institutional plans for higher education health care training.

SB 5997 by Senators Nelson and A. Smith; by request of Statute Law Committee

Correcting certain double amendments from the 1991 regular session.

ESB 5998 by Senator Nelson and Johnson

Changing the definition of surviving spouse under LEOFF.

SCR 8416 by Senators Nelson and Talmadge

Resolving to create the Washington Condominium Task Force.

MOTION

On motion of Mr. Dorn, the rules were suspended and the bills and resolution listed on today's introduction sheet under the fourth order of business were placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Dorn, the rules were suspended, Committee on State Government was relieved of Engrossed Substitute Senate Bill No. 5149, and the bill was placed on the second reading calendar.

On motion of Mr. Dorn, the rules were suspended, Committee on Commerce & Labor was relieved of House Bill No. 2231, and the bill was placed on the second reading calendar.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. R. Meyers presiding) called the House to order.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider the following bills on the regular second reading calendar in the following order: Senate Bill No. 5718, Engrossed Substitute Senate Bill No. 5790, Engrossed Senate Bill No. 5985, Senate Bill No. 5997 and Engrossed Senate Bill No. 5998. The motion was carried.

SENATE BILL NO. 5718, by Senators Owen, Oke, Rasmussen, Conner, Nelson, Thorsness, Bauer and von Reichbauer

Establishing purple heart recipient recognition day.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and Bowman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5718, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ballard, Beck, Prentice, Sprenkle - 04.

Senate Bill No. 5718, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5790, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators von Reichbauer, Pelz, Moore, Vognild, Rasmussen, McCaslin, Johnson and West)

Concerning automobile liability insurance.

The bill was read the second time.

Mr. Dellwo moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.30.020 and 1991 c 339 s 24 are each amended to read as follows:

(1) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090.

(2) A violation of this section constitutes a traffic infraction (~~(punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court)).~~ A person found to have committed such infraction shall be assessed a monetary penalty or community service in accordance with RCW 46.63.110 and 46.63.120.

(3) If a person cited for a violation of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with this section, the citation shall be dismissed without cost. In lieu of personal appearance, a person cited for a violation of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with this section, in which case the citation shall be dismissed without cost.

(4) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(5) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

(6) An investigating officer may issue a citation for a violation of this section if the person fails to provide evidence of financial responsibility or insurance as required under RCW 46.30.040.

Sec. 2. RCW 46.30.040 and 1989 c 353 s 4 are each amended to read as follows:

(1) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification card of the type specified in RCW 46.30.030 and shall display the card upon demand to a law enforcement officer.

(2) Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(3) A violation of subsection (1) or (2) of this section is not a traffic infraction. Failure to provide evidence of financial responsibility as required under subsection (1) or (2) of this section is reasonable cause for an investigating officer to believe that the person driving the motor vehicle is not insured or otherwise financially responsible as

required by RCW 46.30.020(1). The officer may cite the person for a traffic infraction under RCW 46.30.020.

(4) Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.

Representatives Dellwo and Paris spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Dellwo to the title was adopted:

On line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 46.30.020 and 46.30.040; and prescribing penalties."

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Dellwo spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5790 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ballard, Beck, Prentice, Sprengle - 04.

Engrossed Substitute Senate Bill No. 5790 as amended by the House, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House defer consideration of Engrossed Senate Bill No. 5985 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE BILL NO. 5997, by Senators Nelson and A. Smith; by request of Statute Law Committee

Correcting certain double amendments from the 1991 regular session.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5997, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ballard, Beck, Prentice, Sprengle - 04.

Senate Bill No. 5997, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5998, by Senators Nelson and Johnson

Changing the definition of surviving spouse under LEOFF.

The bill was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Spanel and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5998, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R.,

Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ballard, Beck, Prentice, Sprenkle - 04.

Engrossed Senate Bill No. 5998, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider the following bills in the following order: House Bill No. 2231, House Bill No. 1095 and House Bill No. 2214. The motion was carried.

HOUSE BILL NO. 2231, by Representatives Zellinsky, Broback, Schmidt, Dellwo, Sheldon, R. Meyers, Scott, Paris, Winsley and Kremen

Requiring a surety bond from fire protection sprinkler system contractors.

The bill was read the second time.

Mr. Heavey moved adoption of the following amendment by Representatives Heavey, Broback and Zellinsky:

On page 2, at the beginning of line 25, strike "judgment" and insert "claim"

Mr. Heavey spoke in favor of adoption of the amendment, and it was adopted.

Mr. Heavey moved adoption of the following amendment by Representatives Heavey, Broback and Zellinsky:

On page 3, beginning on line 26, strike all material through "surety." on line 29 and insert "A condition precedent to the surety being liable to any claimant is a final judgment against the licensee, unless the surety desires to make payment without awaiting court action."

Mr. Heavey spoke in favor of adoption of the amendment, and it was adopted.

Mr. Heavey moved adoption of the following amendment by Representatives Heavey, Broback and Zellinsky:

On page 4, line 1, after "bond." strike all material through "bond." on line 3.

Mr. Heavey spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Zellinsky spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2231, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ballard, Beck, Prentice, Sprengle - 04.

Engrossed House Bill No. 2231, having received the constitutional majority, was declared passed.

MOTION

Mr. Dorn moved that the House immediately consider Engrossed Senate Bill No. 5985 on the regular second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5985, by Senator West

Changing requirements for institutional plans for higher education health care training.

The bill was read the second time.

Mr. Braddock moved adoption of the following amendments:

On page 3, beginning on line 19, strike the remainder of the bill and insert the following:

NEW SECTION. Sec. 3. 1991 c 332 s 45 is repealed.

NEW SECTION. Sec. 4. If funding for the purposes of sections 1 through 33, 36 through 39, 43, 44, and 46 of Engrossed Substitute House Bill No. 1960 (chapter 332, Laws of 1991) is not provided in the omnibus appropriations act, sections 1 through 33, 36 through 39, 43, 44, and 46 of Engrossed Substitute House Bill No. 1960 (chapter 332, Laws of 1991) and this act shall be null and void.

Mr. Braddock spoke in favor of adoption of the amendments, and they were adopted.

With consent of the House, the following amendment by Representative Braddock to the title was adopted:

On page 1, line 6 of the title, after "70.180.910;" strike "and creating a new section" and insert "creating a new section; and repealing 1991 c 332 s 45 (uncodified)"

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5985 as amended by the House, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ballard, Beck, Prentice, Sprengle - 04.

Engrossed Senate Bill No. 5985 as amended by the House, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

June 24, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1095 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART 1

SUBJECT MATTER AND DEFINITIONS"

NEW SECTION. Sec. 4A-101. SHORT TITLE. This Article may be cited as the Uniform Commercial Code--Funds Transfers.

NEW SECTION. Sec. 4A-102. SUBJECT MATTER. Except as otherwise provided in section 4A-108 of this act this Article applies to funds transfers defined in section 4A-104 of this act.

NEW SECTION. Sec. 4A-103. PAYMENT ORDER--DEFINITIONS. (1) In this Article:

(a) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally, electronically, or in writing, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) The instruction does not state a condition of payment to the beneficiary other than time of payment;

(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(b) "Beneficiary" means the person to be paid by the beneficiary's bank.

(c) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(d) "Receiving bank" means the bank to which the sender's instruction is addressed.

(e) "Sender" means the person giving the instruction to the receiving bank.

(2) If an instruction complying with subsection (1)(a) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(3) A payment order is issued when it is sent to the receiving bank.

NEW SECTION. Sec. 4A-104. FUNDS TRANSFER--DEFINITIONS. In this Article:

(1) "Funds transfer" means the series of transactions, beginning with the originator's payment order, made for the purpose of making payment to the beneficiary of the order. The term includes any payment order issued by the originator's bank or an intermediary bank intended to carry out the originator's payment order. A funds transfer is completed by acceptance by the beneficiary's bank of a payment order for the benefit of the beneficiary of the originator's payment order.

(2) "Intermediary bank" means a receiving bank other than the originator's bank or the beneficiary's bank.

(3) "Originator" means the sender of the first payment order in a funds transfer.

(4) "Originator's bank" means (a) the receiving bank to which the payment order of the originator is issued if the originator is not a bank, or (b) the originator if the originator is a bank.

NEW SECTION. Sec. 4A-105. OTHER DEFINITIONS. (1) In this Article:

(a) "Authorized account" means a deposit account of a customer in a bank designated by the customer as a source of payment orders issued by the customer to the bank. If a customer does not so designate an account, any account of the customer is an authorized account if payment of a payment order from that account is not inconsistent with a restriction on the use of the account.

(b) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company. A branch or separate office of a bank is a separate bank for purposes of this Article.

(c) "Customer" means a person, including a bank, having an account with a bank or from whom a bank has agreed to receive payment orders.

(d) "Funds-transfer business day" of a receiving bank means the part of a day during which the receiving bank is open for the receipt, processing, and transmittal of payment orders and cancellations and amendments of payment orders.

(e) "Funds-transfer system" means a wire transfer network, automated clearing house, or other communication system of a clearing house or other association of banks through which a payment order by a bank may be transmitted to the bank to which the order is addressed.

(f) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(g) "Prove" with respect to a fact means to meet the burden of establishing the fact (RCW 62A.1-201(8)).

(2) Other definitions applying to this Article and the sections in which they appear are:

"Acceptance"	section 4A-209 of this act
"Beneficiary"	section 4A-103 of this act
"Beneficiary's bank"	section 4A-103 of this act
"Executed"	section 4A-301 of this act
"Execution date"	section 4A-301 of this act
"Funds transfer"	section 4A-104 of this act
"Funds-transfer system rule"	section 4A-501 of this act
"Intermediary bank"	section 4A-104 of this act
"Originator"	section 4A-104 of this act
"Originator's bank"	section 4A-104 of this act
"Payment by beneficiary's bank to beneficiary"	section 4A-405 of this act
"Payment by originator to beneficiary"	section 4A-406 of this act
"Payment by sender to receiving bank"	section 4A-403 of this act
"Payment date"	section 4A-401 of this act
"Payment order"	section 4A-103 of this act
"Receiving bank"	section 4A-103 of this act
"Security procedure"	section 4A-201 of this act
"Sender"	section 4A-103 of this act

(3) The following definitions in Article 4 (RCW 62A.4-101 through 62A.4-504) apply to this Article:

"Clearing house"	section 4-104 of this act
"Item"	section 4-104 of this act
"Suspends payments"	sections 4-104 of this act

(4) In addition to Article 1 (RCW 62A.1-101 through 62A.1-208) contains general definitions and principles of construction and interpretation applicable throughout this Article.

NEW SECTION. Sec. 4A-106. TIME PAYMENT ORDER IS RECEIVED. (1)

The time of receipt of a payment order or communication canceling or amending a payment order is determined by the rules applicable to receipt of a notice stated in RCW 62A.1-201(27). A receiving bank may fix a cut-off time or times on a funds-transfer business day for the receipt and processing of payment orders and communications canceling or amending payment orders. Different cut-off times may apply to payment orders, cancellations, or amendments, or to different categories of payment orders, cancellations, or amendments. A cut-off time may apply to senders generally or different cut-off times may apply to different senders or categories of payment orders. If a payment order or communication canceling or amending a payment order is received after the close of a funds-transfer business day or after the appropriate cut-off time on a funds-transfer business day, the receiving bank may treat the payment order or communication as received at the opening of the next funds-transfer business day.

(2) If this Article refers to an execution date or payment date or states a day on which a receiving bank is required to take action, and the date or day does not fall on a funds-transfer business day, the next day that is a funds-transfer business day is treated as the date or day stated, unless the contrary is stated in this Article.

NEW SECTION. Sec. 4A-107. FEDERAL RESERVE REGULATIONS AND OPERATING CIRCULARS. Regulations of the board of governors of the federal reserve system and operating circulars of the federal reserve banks supersede any inconsistent provision of this Article to the extent of the inconsistency.

NEW SECTION. Sec. 4A-108. EXCLUSION OF CONSUMER TRANSACTIONS GOVERNED BY FEDERAL LAW. This Article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title XX, P.L. 95-630, 92 Stat. 3728, 15 U.S.C. Sec. 1693 et seq.) as amended from time to time.

"PART 2

ISSUE AND ACCEPTANCE OF PAYMENT ORDER"

NEW SECTION. Sec. 4A-201. SECURITY PROCEDURE. "Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of (1) verifying that a payment order or communication amending or canceling a payment order is that of the customer, or (2) detecting error in the transmission or the content of the payment order or communication. A security procedure may require the use of algorithms or other codes, identifying words or numbers, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer is not by itself a security procedure.

NEW SECTION. Sec. 4A-202. AUTHORIZED AND VERIFIED PAYMENT ORDERS. (1) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(2) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if (a) the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and (b) the bank proves that it accepted the payment order in good faith and in compliance with the security procedure and any written agreement or instruction of the customer restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates a written agreement with the customer or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(3) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (a) the security procedure was chosen the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and (b) the customer expressly agreed in writing to be bound by any payment order, whether or not authorized, issued in its name, and accepted by the bank in compliance with the security procedure chosen by the customer.

(4) The term "sender" in this Article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (1) of this section, or it is effective as the order of the customer under subsection (2) of this section.

(5) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(6) Except as provided in this section and section 4A-203(1)(a) of this act, rights and obligations arising under this section or section 4A-203 of this act may not be varied by agreement.

NEW SECTION. Sec. 4A-203. UNENFORCEABILITY OF CERTAIN VERIFIED PAYMENT ORDERS. (1) If an accepted payment order is not, under section 4A-202(1) of this act, an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to section 4A-202(2) of this act, the following rules apply.

(a) By express written agreement, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(b) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or (ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

(2) This section applies to amendments of payment orders to the same extent it applies to payment orders.

NEW SECTION. Sec. 4A-204. REFUND OF PAYMENT AND DUTY OF CUSTOMER TO REPORT WITH RESPECT UNAUTHORIZED PAYMENT ORDER.

(1) If a receiving bank accepts a payment order issued in the name of its customer as sender which is (a) not authorized and not effective as the order of the customer under section 4A-202 of this act, or (b) not enforceable, in whole or in part, against the customer under section 4A-203 of this act, the bank shall refund any payment of the payment order received from the customer to the extent the bank is not entitled to enforce payment and shall pay interest on the refundable amount calculated from the date the bank received payment to the date of the refund. However, the customer is not entitled to interest from the bank on the amount to be refunded if the customer fails to exercise ordinary care to determine that the order was not authorized by the customer and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the date the customer received notification from the bank that the order was accepted or that the customer's account was debited with respect to the order. The bank is not entitled to any recovery from the customer on account of a failure by the customer to give notification as stated in this section.

(2) Reasonable time under subsection (1) of this section may be fixed by agreement as stated in RCW 62A.1-204(1), but the obligation of a receiving bank to refund payment as stated in subsection (1) may not otherwise be varied by agreement.

NEW SECTION. Sec. 4A-205. ERRONEOUS PAYMENT ORDERS. (1) If an accepted payment order was transmitted pursuant to a security procedure for the detection of error and the payment order (a) erroneously instructed payment to a beneficiary not intended by the sender, (b) erroneously instructed payment in an amount greater than the amount intended by the sender, or (c) was an erroneously transmitted duplicate of a payment order previously sent by the sender, the following rules apply:

(i) If the sender proves that the sender or a person acting on behalf of the sender pursuant to section 4A-206 of this act complied with the security procedure and that the error would have been detected if the receiving bank had also complied, the sender is not obliged to pay the order to the extent stated in (ii) and (iii) of this subsection.

(ii) If the funds transfer is completed on the basis of an erroneous payment order described in (b) or (c) of this subsection, the sender is not obliged to pay the order and the receiving bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(iii) If the funds transfer is completed on the basis of a payment order described in (b) of this subsection, the sender is not obliged to pay the order to the extent the amount received by the beneficiary is greater than the amount intended by the sender. In that case, the receiving bank is entitled to recover from the beneficiary the excess amount received to the extent allowed by the law governing mistake and restitution.

(2) If (a) the sender of an erroneous payment order described in subsection (1) of this section is not obliged to pay all or part of the order, and (b) the sender receives notification from the receiving bank that the order was accepted by the bank or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care, on the basis of information available to the sender, to discover the error with respect to the order and to advise the bank of the relevant facts within a reasonable time, not exceeding ninety days, after the bank's notification was received by the sender. If the bank proves that the sender failed to perform that duty, the sender is liable to the bank for the loss the bank proves it incurred as a result of the failure, but the liability of the sender may not exceed the amount of the sender's order.

(3) This section applies to amendments to payment orders to the same extent it applies to payment orders.

NEW SECTION. Sec. 4A-206. **TRANSMISSION OF PAYMENT ORDER THROUGH FUNDS-TRANSFER OR OTHER COMMUNICATION SYSTEM.** (1) If a payment order addressed to a receiving bank is transmitted to a funds-transfer system or other third-party communication system for transmittal to the bank, the system is deemed to be an agent of the sender for the purpose of transmitting the payment order to the bank. If there is a discrepancy between the terms of the payment order transmitted to the system and the terms of the payment order transmitted by the system to the bank, the terms of the payment order of the sender are those transmitted by the system. This section does not apply to a funds-transfer system of the federal reserve banks.

(2) This section applies to cancellations and amendments of payment orders to the same extent it applies to payment orders.

NEW SECTION. Sec. 4A-207. **MISDESCRIPTION OF BENEFICIARY.** (1) Subject to subsection (2) of this section, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(2) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(a) Except as otherwise provided in subsection (3) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(b) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(3) If (a) a payment order described in subsection (2) of this section is accepted, (b) the originator's payment order described the beneficiary inconsistently by name and number, and (c) the beneficiary's bank pays the person identified by number as permitted by subsection (2)(a) of this section, the following rules apply:

(i) If the originator is a bank, the originator is obliged to pay its order.

(ii) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to

pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a writing stating the information to which the notice relates.

(4) In a case governed by subsection (2)(a) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(a) If the originator is obliged to pay its payment order as stated in subsection (3) of this section, the originator has the right to recover.

(b) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

NEW SECTION. Sec. 4A-208. MISDESCRIPTION OF INTERMEDIARY BANK OR BENEFICIARY'S BANK. (1) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

(a) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(b) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

(a) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection (2)(a) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a writing stating the information to which the notice relates.

(c) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(d) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in section 4A-302(1)(a) of this act.

NEW SECTION. Sec. 4A-209. ACCEPTANCE OF PAYMENT ORDER. (1) Subject to subsection (4) of this section, a receiving bank other than the beneficiary's bank accepts a payment order when it executes the order.

(2) Subject to subsections (3) and (4) of this section, a beneficiary's bank accepts a payment order at the earliest of the following times:

(a) When the bank (i) pays the beneficiary as stated in section 4A-405(1) or (2) of this act or (ii) notifies the beneficiary of receipt of the order or that the account of the beneficiary has been credited with respect to the order unless the notice indicates that the bank is rejecting the order or that funds with respect to the order may not be withdrawn or used until receipt of payment from the sender of the order;

(b) When the bank receives payment of the entire amount of the sender's order pursuant to section 4A-403(1)(a) or (b) of this act; or

(c) The opening of the next funds-transfer business day of the bank following the payment date of the order if, at that time, the amount of the sender's order is fully covered by a withdrawable credit balance in an authorized account of the sender or the bank has otherwise received full payment from the sender, unless the order was rejected before that time or is rejected within (i) one hour after that time, or (ii) one hour after the opening of the next business day of the sender following the payment date if that time is later. If notice of rejection is received by the sender after the payment date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the payment date to the day the sender receives notice or learns that the order was not accepted, counting that day as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest payable is reduced accordingly.

(3) Acceptance of a payment order cannot occur before the order is received by the receiving bank. Acceptance does not occur under subsection (2)(b) or (c) of this section if the beneficiary of the payment order does not have an account with the receiving bank, the account has been closed, or the receiving bank is not permitted by law to receive credits for the beneficiary's account.

(4) A payment order issued to the originator's bank cannot be accepted until the payment date if the bank is the beneficiary's bank, or the execution date if the bank is not the beneficiary's bank. If the originator's bank executes the originator's payment order before the execution date or pays the beneficiary of the originator's payment order before the payment date and the payment order is subsequently canceled pursuant to section 4A-211(2) of this act, the bank may recover from the beneficiary any payment received to the extent allowed by the law governing mistake and restitution.

NEW SECTION. Sec. 4A-210. REJECTION OF PAYMENT ORDER. (1) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally, electronically, or in writing. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (a) any means complying with the agreement is reasonable and (b) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(2) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay

interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to section 4A-211(4) of this act or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(3) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

(4) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

NEW SECTION. Sec. 4A-211. CANCELLATION AND AMENDMENT OF PAYMENT ORDER. (1) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally, electronically, or in writing. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(2) Subject to subsection (1) of this section, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

(3) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

(a) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(b) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(4) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(5) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(6) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and

expenses, including reasonable attorneys' fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(7) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(8) A funds-transfer system rule is not effective to the extent it conflicts with subsection (3)(b) of this section.

NEW SECTION. Sec. 4A-212. **LIABILITY AND DUTY OF RECEIVING BANK REGARDING UNACCEPTED PAYMENT ORDER.** If a receiving bank fails to accept a payment order that is obliged by express agreement to accept, the bank is liable for breach of the agreement to the extent provided in the agreement or in this Article, but does not otherwise have any duty to accept a payment order or, before acceptance, to take any action, or refrain from taking action, with respect to the order except as provided in this Article or by express agreement. Liability based on acceptance arises only when acceptance occurs as stated in section 4A-209 of this act and liability is limited to that provided in this Article. A receiving bank is not the agent of the sender or beneficiary of the payment order it accepts, or of any other party to the funds transfer, and the bank owes no duty to any party to the funds transfer except as provided in this Article or by express agreement.

"PART 3

EXECUTION OF SENDER'S PAYMENT ORDER BY RECEIVING BANK"

NEW SECTION. Sec. 4A-301. **EXECUTION AND EXECUTION DATE.** (1) A payment order is "executed" by the receiving bank when it issues a payment order intended to carry out the payment order received by the bank. A payment order received by the beneficiary's bank can be accepted but cannot be executed.

(2) "Execution date" of a payment order means the day on which the receiving bank may properly issue a payment order in execution of the sender's order. The execution date may be determined by instruction of the sender but cannot be earlier than the day the order is received and, unless otherwise determined, is the day the order is received. If the sender's instruction states a payment date, the execution date is the payment date or an earlier date on which execution is reasonably necessary to allow payment to the beneficiary on the payment date.

NEW SECTION. Sec. 4A-302. **OBLIGATIONS OF RECEIVING BANK IN EXECUTION OF PAYMENT ORDER.** (1) Except as provided in subsections (2) through (4) of this section, if the receiving bank accepts a payment order pursuant to section 4A-209(1) of this act, the bank has the following obligations in executing the order.

(a) The receiving bank is obliged to issue, on the execution date, a payment order complying with the sender's order and to follow the sender's instructions concerning (i) any intermediary bank or funds-transfer system to be used in carrying out the funds transfer, or (ii) the means by which payment orders are to be transmitted in the funds transfer. If the originator's bank issues a payment order to an intermediary bank, the originator's bank is obliged to instruct the intermediary bank according to the instruction of the originator. An intermediary bank in the funds transfer is similarly bound by an instruction given to it by the sender of the payment order it accepts.

(b) If the sender's instruction states that the funds transfer is to be carried out telephonically or by wire transfer or otherwise indicates that the funds transfer is to be carried out by the most expeditious means, the receiving bank is obliged to transmit its payment order by the most expeditious available means, and to instruct any intermediary bank accordingly. If a sender's instruction states a payment date, the receiving bank is obliged to transmit its payment order at a time and by means reasonably necessary to allow payment to the beneficiary on the payment date or as soon thereafter as is feasible.

(2) Unless otherwise instructed, a receiving bank executing a payment order may (a) use any funds-transfer system if use of that system is reasonable in the circumstances, and (b) issue a payment order to the beneficiary's bank or to an intermediary bank through which a payment order conforming to the sender's order can expeditiously be issued to the beneficiary's bank if the receiving bank exercises ordinary care in the selection of the intermediary bank. A receiving bank is not required to follow an instruction of the sender designating a funds-transfer system to be used in carrying out the funds transfer if the receiving bank, in good faith, determines that it is not feasible to follow the instruction or that following the instruction would unduly delay completion of the funds transfer.

(3) Unless subsection (1)(b) of this section applies or the receiving bank is otherwise instructed, the bank may execute a payment order by transmitting its payment order by first class mail or by any means reasonable in the circumstances. If the receiving bank is instructed to execute the sender's order by transmitting its payment order by a particular means, the receiving bank may issue its payment order by the means stated or by any means as expeditious as the means stated.

(4) Unless instructed by the sender, (a) the receiving bank may not obtain payment of its charges for services and expenses in connection with the execution of the sender's order by issuing a payment order in an amount equal to the amount of the sender's order less the amount of the charges, and (b) may not instruct a subsequent receiving bank to obtain payment of its charges in the same manner.

NEW SECTION. Sec. 4A-303. **ERRONEOUS EXECUTION OF PAYMENT ORDER.** (1) A receiving bank that (a) executes the payment order of the sender by issuing a payment order in an amount greater than the amount of the sender's order, or (b) issues a payment order in execution of the sender's order and then issues a duplicate order, is entitled to payment of the amount of the sender's order under section 4A-402(3) of this act if that subsection is otherwise satisfied. The bank is entitled to recover from the beneficiary of the erroneous order the excess payment received to the extent allowed by the law governing mistake and restitution.

(2) A receiving bank that executes the payment order of the sender by issuing a payment order in an amount less than the amount of the sender's order is entitled to payment of the amount of the sender's order under section 4A-402(3) of this act if (a) that subsection is otherwise satisfied and (b) the bank corrects its mistake by issuing an additional payment order for the benefit of the beneficiary of the sender's order. If the error is not corrected, the issuer of the erroneous order is entitled to receive or retain payment from the sender of the order it accepted only to the extent of the amount of the erroneous order. This subsection does not apply if the receiving bank executes the sender's payment order by issuing a payment order in an amount less than the amount of the sender's order for the purpose of obtaining payment of its charges for services and expenses pursuant to instruction of the sender.

(3) If a receiving bank executes the payment order of the sender by issuing a payment order to a beneficiary different from the beneficiary of the sender's order and the funds transfer is completed on the basis of that error, the sender of the payment order that was erroneously executed and all previous senders in the funds transfer are not obliged to pay the payment orders they issued. The issuer of the erroneous order is entitled to recover from the beneficiary of the order the payment received to the extent allowed by the law governing mistake and restitution.

NEW SECTION. Sec. 4A-304. **DUTY OF SENDER TO REPORT ERRONEOUSLY EXECUTED PAYMENT ORDER.** If the sender of a payment order that is erroneously executed as stated in section 4A-303 of this act receives notification from the receiving bank that the order was executed or that the sender's account was debited with respect to the order, the sender has a duty to exercise ordinary care to determine, on the basis of information available to the sender, that the order was

erroneously executed and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the notification from the bank was received by the sender. If the sender fails to perform that duty, the bank is not obliged to pay interest on any amount refundable to the sender under section 4A-402(4) of this act for the period before the bank learns of the execution error. The bank is not entitled to any recovery from the sender on account of a failure by the sender to perform the duty stated in this section.

NEW SECTION. Sec. 4A-305. **LIABILITY FOR LATE OR IMPROPER EXECUTION OR FAILURE TO EXECUTE PAYMENT ORDER.** (1) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of section 4A-302 of this act results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (3) of this section, additional damages are not recoverable.

(2) If execution of a payment order by a receiving bank in breach of section 4A-302 of this act results in (a) noncompletion of the funds transfer, (b) failure to use an intermediary bank designated by the originator, or (c) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (1) of this section, resulting from the improper execution. Except as provided in subsection (3) of this section, additional damages are not recoverable.

(3) In addition to the amounts payable under subsections (1) and (2) of this section, damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank.

(4) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express written agreement of the receiving bank, but are not otherwise recoverable.

(5) Reasonable attorneys' fees are recoverable if demand for compensation under subsection (1) or (2) of this section is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection (4) of this section and the agreement does not provide for damages, reasonable attorneys' fees are recoverable if demand for compensation under subsection (4) of this section is made and refused before an action is brought on the claim.

(6) Except as stated in this section, the liability of a receiving bank under subsections (1) and (2) of this section may not be varied by agreement.

"PART 4 PAYMENT"

NEW SECTION. Sec. 4A-401. **PAYMENT DATE.** "Payment date" of a payment order means the day on which the amount of the order is payable to the beneficiary by the beneficiary's bank. The payment date may be determined by instruction of the sender but cannot be earlier than the day the order is received by the beneficiary's bank and, unless otherwise determined, is the day the order is received by the beneficiary's bank.

NEW SECTION. Sec. 4A-402. **OBLIGATION OF SENDER TO PAY RECEIVING BANK.** (1) This section is subject to sections 4A-205 and 4A-207 of this act.

(2) With respect to a payment order issued to the beneficiary's bank, acceptance of the order by the bank obliges the sender to pay the bank the amount of the order, but payment is not due until the payment date of the order.

(3) This subsection is subject to subsection (5) of this section and to section 4A-303 of this act. With respect to a payment order issued to a receiving bank other than the

beneficiary's bank, acceptance of the order by the receiving bank obliges the sender to pay the bank the amount of the sender's order. Payment by the sender is not due until the execution date of the sender's order. The obligation of that sender to pay its payment order is excused if the funds transfer is not completed by acceptance by the beneficiary's bank of a payment order instructing payment to the beneficiary of that sender's payment order.

(4) If the sender of a payment order pays the order and was not obliged to pay all or part of the amount paid, the bank receiving payment is obliged to refund payment to the extent the sender was not obliged to pay. Except as provided in sections 4A-204 and 4A-304 of this act, interest is payable on the refundable amount from the date of payment.

(5) If a funds transfer is not completed as stated in this subsection and an intermediary bank is obliged to refund payment as stated in subsection (4) of this section but is unable to do so because not permitted by applicable law or because the bank suspends payments, a sender in the funds transfer that executed a payment order in compliance with an instruction, as stated in section 4A-302(1)(a) of this section, to route the funds transfer through that intermediary bank is entitled to receive or retain payment from the sender of the payment order that it accepted. The first sender in the funds transfer that issued an instruction requiring routing through that intermediary bank is subrogated to the right of the bank that paid the intermediary bank to refund as stated in subsection (4) of this section.

(6) The right of the sender of a payment order to be excused from the obligation to pay the order as stated in subsection (3) of this section or to receive refund under subsection (4) of this section may not be varied by agreement.

NEW SECTION. Sec. 4A-403. **PAYMENT BY SENDER TO RECEIVING BANK.** (1) Payment of the sender's obligation under section 4A-402 of this act to pay the receiving bank occurs as follows:

(a) If the sender is a bank, payment occurs when the receiving bank receives final settlement of the obligation through a federal reserve bank or through a funds-transfer system.

(b) If the sender is a bank and the sender (i) credited an account of the receiving bank with the sender, or (ii) caused an account of the receiving bank in another bank to be credited, payment occurs when the credit is withdrawn or, if not withdrawn, at midnight of the day on which the credit is withdrawable and the receiving bank learns of that fact.

(c) If the receiving bank debits an account of the sender with the receiving bank, payment occurs when the debit is made to the extent the debit is covered by a withdrawable credit balance in the account.

(2) If the sender and receiving bank are members of a funds-transfer system that nets obligations multilaterally among participants, the receiving bank receives final settlement when settlement is complete in accordance with the rules of the system. The obligation of the sender to pay the amount of a payment order transmitted through the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against the sender's obligation the right of the sender to receive payment from the receiving bank of the amount of any other payment order transmitted to the sender by the receiving bank through the funds-transfer system. The aggregate balance of obligations owed by each sender to each receiving bank in the funds-transfer system may be satisfied, to the extent permitted by the rules of the system, by setting off and applying against that balance the aggregate balance of obligations owed to the sender by other members of the system. The aggregate balance is determined after the right of setoff stated in the second sentence of this subsection has been exercised.

(3) If two banks transmit payment orders to each other under an agreement that settlement of the obligations of each bank to the other under section 4A-402 of this act

will be made at the end of the day or other period, the total amount owed with respect to all orders transmitted by one bank shall be set off against the total amount owed with respect to all orders transmitted by the other bank. To the extent of the setoff, each bank has made payment to the other.

(4) In a case not covered by subsection (1) of this section, the time when payment of the sender's obligation under section 4A-402 (2) or (3) of this act occurs is governed by applicable principles of law that determine when an obligation is satisfied.

NEW SECTION. Sec. 4A-404. OBLIGATION OF BENEFICIARY'S BANK TO PAY AND GIVE NOTICE TO BENEFICIARY. (1) Subject to sections 4A-211(5), 4A-405(4), and 4A-405(5) of this act, if a beneficiary's bank accepts a payment order, the bank is obliged to pay the amount of the order to the beneficiary of the order. Payment is due on the payment date of the order, but if acceptance occurs on the payment date after the close of the funds-transfer business day of the bank, payment is due on the next funds-transfer business day. If the bank refuses to pay after demand by the beneficiary and receipt of notice of particular circumstances that will give rise to consequential damages as a result of nonpayment, the beneficiary may recover damages resulting from the refusal to pay to the extent the bank had notice of the damages, unless the bank proves that it did not pay because of a reasonable doubt concerning the right of the beneficiary to payment.

(2) If a payment order accepted by the beneficiary's bank instructs payment to an account of the beneficiary, the bank is obliged to notify the beneficiary of receipt of the order before midnight of the next funds-transfer business day following the payment date. If the payment order does not instruct payment to an account of the beneficiary, the bank is required to notify the beneficiary only if notice is required by the order. Notice may be given by first class mail or any other means reasonable in the circumstances. If the bank fails to give the required notice, the bank is obliged to pay interest to the beneficiary on the amount of the payment order from the day notice should have been given until the day the beneficiary learned of receipt of the payment order by the bank. No other damages are recoverable. Reasonable attorneys' fees are also recoverable if demand for interest is made and refused before an action is brought on the claim.

(3) The right of a beneficiary to receive payment and damages as stated in subsection (a) may not be varied by agreement or a funds-transfer system rule. The right of a beneficiary to be notified as stated in subsection (2) of this section may be varied by agreement of the beneficiary or by a funds-transfer system rule if the beneficiary is notified of the rule before initiation of the funds transfer.

NEW SECTION. Sec. 4A-405. PAYMENT BY BENEFICIARY'S BANK TO BENEFICIARY. (1) If the beneficiary's bank credits an account of the beneficiary of a payment order payment of the bank's obligation under section 4A-404(1) of this act occurs when and to the extent (a) the beneficiary is notified of the right to withdraw the credit, (b) the bank lawfully applies the credit to a debt of the beneficiary, or (c) funds with respect to the order are otherwise made available to the beneficiary by the bank.

(2) If the beneficiary's bank does not credit an account of the beneficiary of a payment order, the time when payment of the bank's obligation under section 4A-404(1) of this act occurs is governed by principles of law that determine when an obligation is satisfied.

(3) Except as stated in subsections (4) and (5) of this act, if the beneficiary's bank pays the beneficiary of a payment order under a condition to payment or agreement of the beneficiary giving the bank the right to recover payment from the beneficiary if the bank does not receive payment of the order, the condition to payment or agreement is not enforceable.

(4) A funds-transfer system rule may provide that payments made to beneficiaries of funds transfers made through the system are provisional until receipt of payment by the beneficiary's bank of the payment order it accepted. A beneficiary's bank that makes

a payment that is provisional under the rule is entitled to refund from the beneficiary if (a) the rule requires that both the beneficiary and the originator be given notice of the provisional nature of the payment before the funds transfer is initiated, (b) the beneficiary, the beneficiary's bank and the originator's bank agreed to be bound by the rule, and (c) the beneficiary's bank did not receive payment of the payment order that it accepted. If the beneficiary is obliged to refund payment to the beneficiary's bank, acceptance of the payment order by the beneficiary's bank is nullified and no payment by the originator of the funds transfer to the beneficiary occurs under section 4A-406 of this act.

(5) This subsection applies to a funds transfer that includes a payment order transmitted over a funds-transfer system that (a) nets obligations multilaterally among participants, and (b) has in effect a loss-sharing agreement among participants for the purpose of providing funds necessary to complete settlement of the obligations of one or more participants that do not meet their settlement obligations. If the beneficiary's bank in the funds transfer accepts a payment order and the system fails to complete settlement pursuant to its rules with respect to any payment order in the funds transfer, (i) the acceptance by the beneficiary's bank is nullified and no person has any right or obligation based on the acceptance, (ii) the beneficiary's bank is entitled to recover payment from the beneficiary, (iii) no payment by the originator to the beneficiary occurs under section 4A-406 of this act, and (iv) subject to section 4A-402(5), each sender in the funds transfer is excused from its obligation to pay its payment order under section 4A-402(5), each sender in the funds transfer is excused from its obligation to pay its payment order under section 4A-402(3) of this act because the funds transfer has not been completed.

NEW SECTION. Sec. 4A-406. **PAYMENT BY ORIGINATOR TO BENEFICIARY; DISCHARGE OF UNDERLYING OBLIGATION.** (1) Subject to sections 4A-211(5), 4A-405(4), and 4A-405(5) of this act, the originator of a funds transfer pays the beneficiary of the originator's payment order (a) at the time a payment order for the benefit of the beneficiary is accepted by the beneficiary's bank in the funds transfer and (b) in an amount equal to the amount of the order accepted by the beneficiary's bank, but not more than the amount of the originator's order.

(2) If payment under subsection (1) of this section is made to satisfy an obligation, the obligation is discharged to the same extent discharge would result from payment to the beneficiary of the same amount in money, unless (a) the payment under subsection (1) of this section was made by a means prohibited by the contract of the beneficiary with respect to the obligation, (b) the beneficiary, within a reasonable time after receiving notice of receipt of the order by the beneficiary's bank, notified the originator of the beneficiary's refusal of the payment, (c) funds with respect to the order were not withdrawn by the beneficiary or applied to a debt of the beneficiary, and (d) the beneficiary would suffer a loss that could reasonably have been avoided if payment had been made by a means complying with the contract. If payment by the originator does not result in discharge under this section, the originator is subrogated to the rights of the beneficiary to receive payment from the beneficiary's bank under section 4A-404(1) of this act.

(3) For the purpose of determining whether discharge of an obligation occurs under subsection (2) of this section, if the beneficiary's bank accepts a payment order in an amount equal to the amount of the originator's payment order less charges of one or more receiving banks in the funds transfer, payment to the beneficiary is deemed to be in the amount of the originator's order unless upon demand by the beneficiary the originator does not pay the beneficiary the amount of the deducted charges.

(4) Rights of the originator or of the beneficiary of a funds transfer under this section may be varied only by agreement of the originator and the beneficiary.

"PART 5
MISCELLANEOUS PROVISIONS"

NEW SECTION. Sec. 4A-501. VARIATION BY AGREEMENT AND EFFECT OF FUNDS-TRANSFER SYSTEM RULE. (1) Except as otherwise provided in this Article, the rights and obligations of a party to a funds transfer may be varied by agreement of the affected party.

(2) "Funds-transfer system rule" means a rule of an association of banks (a) governing transmission of payment orders by means of a funds-transfer system of the association or rights and obligations with respect to those orders, or (b) to the extent the rule governs rights and obligations between banks that are parties to a funds transfer in which a federal reserve bank, acting as an intermediary bank, sends a payment order to the beneficiary's bank. Except as otherwise provided in this Article, a funds-transfer system rule governing rights and obligations between participating banks using the system may be effective even if the rule conflicts with the Article and indirectly affects another party to the funds transfer who does not consent to the rule. A funds-transfer system rule may also govern rights and obligations of parties other than participating banks using the system to the extent stated in sections 4A-404(3), 4A-405(4), and 4A-507(3) of this act.

NEW SECTION. Sec. 4A-502. CREDITOR PROCESS SERVED ON RECEIVING BANK; SETOFF BY BENEFICIARY'S BANK. (1) As used in this section, "creditor process" means levy, attachment, garnishment, notice of lien, sequestration, or similar process issued by or on behalf of a creditor or other claimant with respect to an account.

(2) This subsection applies to creditor process with respect to an authorized account of the sender of a payment order if the creditor process is served on the receiving bank. For the purpose of determining rights with respect to the creditor process, if the receiving bank accepts the payment order the balance in the authorized account is deemed to be reduced by the amount of the payment order to the extent the bank did not otherwise receive payment of the order, unless the creditor process is served at the time and in a manner affording the bank a reasonable opportunity to act on it before the bank accepts the payment order.

(3) If a beneficiary's bank has received a payment order for payment to the beneficiary's account in the bank, the following rules apply:

(a) The bank may credit the beneficiary's account. The amount credited may be set off against an obligation owed by the beneficiary to the bank or may be applied to satisfy creditor process served on the bank with respect to the account.

(b) The bank may credit the beneficiary's account and allow withdrawal of the amount credited unless creditor process with respect to the account is served at the time and in a manner affording the bank a reasonable opportunity to act to prevent withdrawal.

(c) If creditor process with respect to the beneficiary's account has been served and the bank has had a reasonable opportunity to act on it, the bank may not reject the payment order except for a reason unrelated to the service of process.

(4) Creditor process with respect to a payment by the originator to the beneficiary pursuant to a funds transfer may be served only on the beneficiary's bank with respect to the debt owed by that bank to the beneficiary. Any other bank served with the creditor process is not obliged to act with respect to the process.

NEW SECTION. Sec. 4A-503. INJUNCTION OR RESTRAINING ORDER WITH RESPECT TO FUNDS TRANSFER. For proper cause and in compliance with applicable law, a court may restrain (1) a person from issuing a payment order to initiate a funds transfer, (2) an originator's bank from executing the payment order of the originator, or (3) the beneficiary's bank from releasing funds to the beneficiary or the beneficiary from withdrawing the funds. A court may not otherwise restrain a person from issuing a payment order, paying or receiving payment of a payment order, or otherwise acting with respect to a funds transfer.

NEW SECTION. Sec. 4A-504. ORDER IN WHICH ITEMS AND PAYMENT ORDERS MAY BE CHARGED TO ACCOUNT; ORDER OF WITHDRAWALS FROM

ACCOUNT. (1) If a receiving bank has received more than one payment order of the sender or one or more payment orders and other items that are payable from the sender's account, the bank may charge the sender's account with respect to the various orders and items in any sequence.

(2) In determining whether a credit to an account has been withdrawn by the holder of the account or applied to a debt of the holder of the account, credits first made to the account are first withdrawn or applied.

NEW SECTION. Sec. 4A-505. **PRECLUSION OF OBJECTION TO DEBIT OF CUSTOMER'S ACCOUNT.** If a receiving bank has received payment from its customer with respect to a payment order issued in the name of the customer as sender and accepted by the bank, and the customer received notification reasonably identifying the order, the customer is precluded from asserting that the bank is not entitled to retain the payment unless the customer notifies the bank of the customer's objection to the payment within one year after the notification was received by the customer.

NEW SECTION. Sec. 4A-506. **RATE OF INTEREST.** (1) If, under this Article, a receiving bank is obliged to pay interest with respect to a payment order issued to the bank, the amount payable may be determined (a) by agreement of the sender and receiving bank, or (b) by a funds-transfer system rule if the payment order is transmitted through a funds-transfer system.

(2) If the amount of interest is not determined by an agreement or rule as stated in subsection (1) of this section, the amount is calculated by multiplying the applicable federal funds rate by the amount on which interest is payable, and then multiplying the product by the number of days for which interest is payable. The applicable federal funds rate is the average of the federal funds rates published by the federal reserve bank of New York for each of the days for which interest is payable divided by three hundred sixty. The federal funds rate for any day on which a published rate is not available is the same as the published rate for the next preceding day for which there is a published rate. If a receiving bank that accepted a payment order is required to refund payment to the sender of the order because the funds transfer was not completed, but the failure to complete was not due to any fault by the bank, the interest payable is reduced by a percentage equal to the reserve requirement on deposits of the receiving bank.

NEW SECTION. Sec. 4A-507. **CHOICE OF LAW.** (1) The following rules apply unless the affected parties otherwise agree or subsection (3) of this section applies;

(a) The rights and obligations between the sender of a payment order and the receiving bank are governed by the law of the jurisdiction in which the receiving bank is located.

(b) The rights and obligations between the beneficiary's bank and the beneficiary are governed by the law of the jurisdiction in which the beneficiary's bank is located.

(c) The issue of when payment is made pursuant to a funds transfer by the originator to the beneficiary is governed by the law of the jurisdiction in which the beneficiary's bank is located.

(2) If the parties described in each paragraph of subsection (1) of this section have made an agreement selecting the law of a particular jurisdiction to govern rights and obligations between each other, the law of that jurisdiction governs those rights and obligations, whether or not the payment order or the funds transfer bears a reasonable relation to that jurisdiction.

(3) A funds-transfer system rule may select the law of a particular jurisdiction to govern (a) rights and obligations between participating banks with respect to payment orders transmitted or processed through the system, or (b) the rights and obligations of some or all parties to a funds transfer any part of which is carried out by means of the system. A choice of law made pursuant to (a) of this subsection is binding on participating banks. A choice of law made pursuant to (b) of this subsection is binding on the originator, other sender, or a receiving bank having notice that the funds-transfer

system might be used in the funds transfer and of the choice of law by the system when the originator, other sender, or receiving bank issued or accepted a payment order. The beneficiary of a funds transfer is bound by the choice of law if, when the funds transfer is initiated, the beneficiary has notice that the funds-transfer system might be used in the funds transfer and of the choice of law by the system. The law of a jurisdiction selected pursuant to this subsection may govern, whether or not that law bears a reasonable relation to the matter in issue.

(4) In the event of inconsistency between an agreement under subsection (2) of this section and a choice-of-law rule under subsection (3) of this section, the agreement under subsection (2) of this section prevails.

(5) If a funds transfer is made by use of more than one funds-transfer system and there is inconsistency between choice-of-law rules of the systems, the matter in issue is governed by the law of the selected jurisdiction that has the most significant relationship to the matter in issue.

NEW SECTION. Sec. 4A-508. Sections 4A-101 through 4A-507 of this act shall constitute a new Article in Title 62A RCW.

On page 1, line 1 of the title, after "transfer;" strike the remainder of the title and insert "and adding a new Article to Title 62A RCW." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ludwig moved that the House do concur in the Senate amendments to House Bill No. 1095. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 1095 as amended by the Senate.

Mr. Ludwig spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1095 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luvan, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ballard, Beck, Prentice, Sprengle - 04.

House Bill No. 1095 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

June 24, 1991

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2214 with the following amendments:

On page 3, after line 9, insert a new section to read as follows:

NEW SECTION. Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

Beginning in January 1, 1992, no city with a population in excess of four hundred thousand shall receive any distribution of moneys from the municipal justice assistance account until the city has entered an agreement with the office of court administrator regarding the utilization of the district and municipal court information system. The agreement shall require any municipal court system of such cities to be linked to the system and be fully capable of on-line use of the data contained therein. The agreement shall specify a date by which such linkage and use shall be effective and in no event shall the date be later than January 1, 1994, unless funding is not made available by the legislature, in which case the date for linkage shall be postponed only until such funding is available.

Renumber the remaining sections consecutively and correct internal cross-references.

On page 1, line 2 of the title, following "320," add "adding a new section to chapter 82.14 RCW;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Ludwig moved that the House do concur in the Senate amendments to House Bill No. 2214.

Representatives Haugen and Ferguson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of House Bill No. 2214 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2214 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G.,

Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Ballard, Beck, Prentice, Sprenkle - 04.

House Bill No. 2214 as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 1:30 p.m., Thursday, June 27, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

EIGHTEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, June 27, 1991

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Beck, Braddock, Fraser, Haugen, Peery and Sprengle. On motion of Ms. Casada, Representative Beck was excused. On motion of Ms. Cole, Representatives Braddock, Fraser, Haugen, Peery and Sprengle were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Fischer and Kristyn Blocher. Prayer was offered by The Reverend Peter Man, Minister of Olympia Christian Reformed Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

June 21, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5988,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

June 25, 1991

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 5444, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

June 25, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5644,

ENGROSSED SENATE BILL NO. 5940,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 26, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5986,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5996,
 ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8409,
 SUBSTITUTE HOUSE BILL NO. 1909,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 26, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5444,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.

The Speaker (Mr. R. Meyers presiding) called the House to order.

MESSAGES FROM THE SENATE

June 27, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5072,
 SUBSTITUTE SENATE BILL NO. 5581,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 27, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5718,
 SENATE BILL NO. 5997,
 ENGROSSED SENATE BILL NO. 5998,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider the following bills
 on the regular second reading calendar in the following order: Senate Concurrent

Resolution No. 8416, Engrossed Substitute Senate Bill No. 5149 and House Bill No. 2235. The motion was carried.

SENATE CONCURRENT RESOLUTION NO. 8416, by Senators Nelson and Talmadge

Resolving to create the Washington Condominium Task Force.

The resolution was read the second time.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Ludwig spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8416, and the resolution passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fuhrman, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Beck, Braddock, Fraser, Haugen, Peery, Sprenkle - 06.

Senate Concurrent Resolution No. 8416, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Ebersole, Committee on Rules was relieved of House Bill No. 1890 and the bill was placed on the second reading calendar.

On motion of Mr. Ebersole, Committee on Rules was relieved of Engrossed Substitute House Bill No. 1058, Engrossed Substitute House Bill No. 1430, Engrossed Substitute House Bill No. 1831, Engrossed Substitute House Bill No. 1856 and House Bill No. 1891.

On motion of Mr. Ebersole, the rules were suspended, Committee on State Government was relieved of House Concurrent Resolution No. 4412, and the resolution was placed on the second reading calendar.

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

INTRODUCTIONS AND FIRST READING

HB 2236 by Representatives Appelwick and Paris

AN ACT Relating to child support; amending RCW 26.09.010, 26.09.100, 26.09.170, 26.09.225, and 26.19.090; adding new sections to chapter 26.19 RCW; creating a new section; repealing RCW 26.19.010, 26.19.040, 26.19.060, 26.19.070, and 26.19.110; providing effective dates; and declaring an emergency.

HB 2237 by Representatives Locke and Silver

AN ACT Relating to medical care; amending RCW 74.09.700 and 74.09.730; adding a new chapter to Title 82 RCW; creating new sections; making appropriations; providing effective dates; and declaring an emergency.

HB 2238 by Representatives Heavey, Horn, Rasmussen, Cole, G. Fisher, Haugen, Phillips, Cantwell, Valle, Roland, Jacobsen, Nelson, Scott, Mitchell, Wood, Paris, Pruitt, Morris, May, Winsley, Bray and Wineberry

AN ACT Relating to improving property tax equity; creating new sections; and declaring an emergency.

Referred to Committee on Revenue.

HB 2239 by Representatives Heavey, Horn, Rasmussen, Cole, G. Fisher, Cantwell, Valle, Jacobsen, Nelson, Scott, Ferguson, Wood, Mitchell, Paris, Pruitt, May, Winsley and Wineberry

AN ACT Relating to reductions in assessed valuation of residences where the residence is the property owner's primary residence; adding a new section to chapter 84.36 RCW; and providing a contingent effective date.

Referred to Committee on Revenue.

HB 2240 by Representative Peery

AN ACT Relating to education; amending RCW 28A.215.100, 28A.215.180, 28A.305.140, 28A.150.260, 28A.150.210, 28A.150.220, 28A.150.290, 28A.195.010, 28A.150.260, 28A.230.090, 28A.410.040, 28A.410.050, 28A.405.220, and 84.52.0531; adding new sections to chapter 28A.600 RCW; adding new sections to chapter 28A.630 RCW; adding new sections to chapter 28A.150 RCW; adding a

new section to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.320.210, 28A.305.140, 28A.320.200, and 28A.230.110; providing effective dates; providing an expiration date; and declaring an emergency.

HB 2241 by Representative Locke

AN ACT Relating to increment increases for employees; and adding a new section to chapter 43.88 RCW.

HJM 4024 by Representatives O'Brien, Locke, Anderson, Belcher, Sheldon, Brekke, Spanel, Rasmussen, Prentice, Franklin, Leonard, Paris and Dellwo

Requesting Congress recognize small tribes.

Referred to Committee on State Government.

HJR 4231 by Representatives Heavey, Horn, Rasmussen, Cole, G. Fisher, Cantwell, Valle, Jacobsen, Nelson, Scott, Ferguson, Mitchell, Wood, Paris, Pruitt, May, Winsley and Wineberry

Providing for reduced property tax obligations for certain residences.

Referred to Committee on Revenue.

ESSB 5644 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen, Thorsness, A. Smith and Madsen)

Regulating adult entertainment.

Referred to Committee on Judiciary.

ESB 5940 by Senators Hayner, Bailey, Roach, Craswell, Oke, Erwin, Johnson, Bluechel, Barr, Cantu and Metcalf

Requiring legislative approval for lottery or electronic gambling devices.

Referred to Committee on Commerce & Labor.

ESSB 5986 by Senate Committee on Law & Justice (originally sponsored by Senators Wojahn, Newhouse and Rasmussen)

Expanding the duties of tenants under the landlord-tenant act.

Referred to Committee on Housing.

ESSB 5996 by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen and Johnson)

Making adjustments to child support guidelines.

ESCR 8409 by Senators Metcalf and Owen

Creating a joint select committee on the department of wildlife.

Referred to Committee on Fisheries & Wildlife.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and Engrossed Substitute Senate Bill No. 5996 was advanced to second reading and read the second time in full.

On motion of Mr. Dorn, further consideration of Engrossed Substitute Senate Bill No. 5996 was deferred and the bill was ordered to hold its place on the second reading calendar.

Representative Fraser appeared at the bar of the House.

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

SECOND READING

MOTION

Mr. Dorn moved that the House immediately consider Engrossed Substitute Senate Bill No. 5149 on the regular second reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149, by Senate Committee on Law & Justice (originally sponsored by Senators Nelson and Rasmussen; by request of Public Disclosure Commission)

Regulating political gifts and public office funds.

The bill was read the second time.

Mr. Anderson moved adoption of the following amendment by Representatives Anderson and McLean:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 42.17.020 and 1990 c 139 s 2 are each amended to read as follows:

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-

municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency prior to its circulation for signatures.

(3) "Depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind: PROVIDED, That for the purpose of compliance with RCW 42.17.241, the term "compensation" shall not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(9) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(10) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets, and only the excess over the actual cost of the consumables shall be deemed a contribution.

(11) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(12) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters: PROVIDED, That an election in which the qualifications for voting include other than those

requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(13) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(14) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. The term "expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

(15) "Final report" means the report described as a final report in RCW 42.17.080(2).

(16) "Gift," for the purposes of RCW 42.17.170 and section 3 of this 1991 act, means a rendering of anything of value in return for which reasonable consideration is not given and received and includes a rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, or reimbursements from or payments by persons (other than the federal government, or the state of Washington or any agency or political subdivision thereof) for travel or anything else of value. The term "reasonable consideration" refers to the approximate range of consideration that exists in transactions not involving donative intent. However, the value of the gift of partaking in a single hosted reception shall be determined by dividing the total amount of the cost of conducting the reception by the total number of persons partaking in the reception. "Gift" for the purposes of RCW 42.17.170 and section 3 of this 1991 act does not include:

(a) A gift, other than a gift of partaking in a hosted reception, with a value of fifty dollars or less;

(b) The gift of partaking in a hosted reception if the value of the gift is one hundred dollars or less;

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

(d) Informational material that is transferred for the purpose of informing the recipient about matters pertaining to official business of the governmental entity of which the recipient is an official or officer, and that is not intended to confer on that recipient any commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of any commercial, proprietary, financial, economic, or monetary disadvantage;

(e) A gift that is not used and that, within thirty days after receipt, is returned to the donor or delivered to a charitable organization. However, this exclusion from the definition does not apply if the recipient of the gift delivers the gift to a charitable organization and claims the delivery as a charitable contribution for tax purposes;

(f) A gift given under circumstances where it is clear beyond any doubt that the gift was not made as part of any design to gain or maintain influence in the governmental entity of which the recipient is an officer or official or with respect to any legislative matter or matters of that governmental entity; or

(g) A gift given prior to the effective date of this 1991 act.

(17) "Immediate family" includes the spouse, dependent children, and other dependent relatives, if living in the household.

((17)) (18) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state

legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

((18)) (19) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

((19)) (20) "Lobbyist" includes any person who lobbies either in his own or another's behalf.

((20)) (21) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

((21)) (22) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

((22)) (23) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

((23)) (24) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

((24)) (25) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

((25)) (26) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

((26)) (27) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

((27)) (28) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

((28)) (29) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

Sec. 2. RCW 42.17.170 and 1990 c 139 s 3 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by the lobbyist. The

reports shall be made in the form and manner prescribed by the commission. They shall be due monthly and shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) Each such monthly periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein ~~((but))~~, without allocating any portion of such expenditure to individual participants. However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule-making under chapter 34.05 RCW, the state Administrative Procedure Act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.

(f) A listing of each gift, as defined in RCW 42.17.020, made to a state elected official or executive state officer or to a member of the immediate family of such an official or officer. Such a gift shall be separately identified by the date it was given, the approximate value of the gift, and the name of the recipient. However, for a hosted reception where the average per person amount is reported under (a) of this subsection, the approximate value for the gift of partaking in the event is such average per person amount. The commission shall adopt forms to be used for reporting the giving of gifts

under this subsection (2)(f). The forms shall be designed to permit a lobbyist to report on a separate form for each recipient the reportable gifts given to that recipient during the reporting period or, alternatively, to report on one form all reportable gifts given by the lobbyist during the reporting period.

(3) If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist a gift, as defined in RCW 42.17.020, the lobbyist shall transmit to the official a copy of the completed form used to identify the gift in the report at the same time the report is filed with the commission.

NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

At the same time that an elected official or executive state officer must file a statement of financial affairs under RCW 42.17.240(1), the official or officer shall file a statement identifying each gift, as defined in RCW 42.17.020, which was received by the official or officer or by a member of his or her immediate family during the previous calendar year. The statement shall apply to that portion of the previous calendar year during which the official or officer held an office or position for which a statement of financial affairs is required under RCW 42.17.240. The statement shall identify the nature of the gift, the date it was received, and the name of the donor. The commission may adopt a form for reporting the receipt of gifts under this section or may incorporate that reporting into the form or forms adopted by the commission for the statement of financial affairs.

Sec. 4. RCW 42.17.243 and 1977 ex.s. c 336 s 5 are each amended to read as follows:

(1) Elected and appointed officials required to report under RCW 42.17.240, shall report for themselves and for members of their immediate family to the commission any contributions received during the preceding calendar year for the officials' use in defraying nonreimbursed public office related expenses. Contributions reported under this section shall be referred to as a "public office fund" and shall not be transferred to a political committee nor used to promote or oppose a candidate or ballot proposition, other than as provided by subsection (3) (a) of this section. ~~((For the purposes of this section contributions shall include reimbursements from or payments by persons, other than the state of Washington or any agency, for travel expenses.))~~ Reimbursements or payments for travel do not constitute contributions for the purposes of this section.

A report shall be filed during the month of January of any year following a year in which such contributions were received for or expenditures made from a public office fund. The report shall include:

(a) The name and address of each contributor;
 (b) A description of each contribution, including the date on which it was received and its amount or, if its dollar value is unascertainable, an estimate of its fair market value; and

(c) A description of each expenditure made from a public office fund, including the name and address of the recipient, the amount, and the date of each such expenditure.

(2) No report under subsection (1) of this section shall be required if:

(a) The receipt of the contribution has been reported pursuant to RCW 42.17.065 (continuing political committee reports) or RCW 42.17.090 (political committee reports);
 or

(b) The contribution is in the form of meals, refreshments, or entertainment given in connection with official appearances or occasions where public business was discussed.

(3) Any funds which remain in a public office fund after all permissible public office related expenses have been paid may only be disposed of in one or more of the following ways:

(a) Returned to a contributor in an amount not to exceed that contributor's original contribution; or

(b) Donated to a charitable organization registered in accordance with chapter 19.09 RCW; or

(c) Transferred to the state treasurer for deposit in the general fund.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Representatives Anderson and McLean spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Anderson and McLean to the title was adopted:

On page 1, line 1 of the title, after "funds;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.170, and 42.17.243; adding a new section to chapter 42.17 RCW; and declaring an emergency."

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Anderson and McLean spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5149 as amended by the House, and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betzoff, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Beck, Braddock, Haugen, Peery, Sprenkle - 05.

Engrossed Substitute Senate Bill No. 5149 as amended by the House, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2235, by Representatives Wang, Wilson, Prince, Belcher, Silver, R. King, Orr, Spanel and Day

Raising various hunting and fishing fees.

The bill was read the second time.

Mr. Wang moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 77.32.101 and 1985 c 464 s 2 are each amended to read as follows:

(1) A hunting and fishing license allows a resident holder to hunt and fish throughout the state. The fee for this license is ~~((twenty-four))~~ twenty-nine dollars.

(2) A hunting license allows the holder to hunt throughout the state. The fee for this license is ~~((twelve))~~ fifteen dollars for residents and one hundred ~~((twenty-five))~~ fifty dollars for nonresidents.

(3) A fishing license allows the holder to fish throughout the state. The fee for this license is ~~((fourteen))~~ seventeen dollars for residents fifteen years of age or older and under seventy years of age, three dollars for residents seventy years of age or older, and ((forty)) forty-eight dollars for nonresidents.

Sec. 2. RCW 77.32.161 and 1985 c 464 s 3 are each amended to read as follows:

A nonresident or resident may obtain a temporary fishing license, which allows the holder to fish throughout the state for three consecutive days. The fee for this license is ~~((seven))~~ nine dollars for residents and ~~((fourteen))~~ seventeen dollars for nonresidents. The resident temporary fishing license is not valid for an eight consecutive day period beginning on the opening day of the lowland lake fishing season.

Sec. 3. RCW 77.32.191 and 1987 c 372 s 3 are each amended to read as follows:

A state trapping license allows the holder to trap fur-bearing animals throughout the state; however, a trapper may not place traps on private property without permission of the owner, lessee, or tenant where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner. A state trapping license is void on April 1st following the date of issuance. The fee for this license is ~~((thirty))~~ thirty-six dollars for residents sixteen years of age or older, ~~((twelve))~~ fifteen dollars for residents under sixteen years of age, and one hundred ~~((fifty))~~ eighty dollars for nonresidents.

Sec. 4. RCW 77.32.211 and 1987 c 506 s 83 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred ~~((fifty))~~ eighty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred ~~((fifty))~~ eighty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred ~~((fifty))~~ eighty dollars for a resident and ~~((five))~~ six hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is ~~((sixty))~~ seventy-two dollars for the first year and ~~((forty))~~ forty-eight dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is ~~((twenty))~~ twenty-four dollars.

(6) A ~~((hunting,))~~ fishing(~~(,))~~ or field trial permit allows the holder to promote, conduct, hold, or sponsor a ~~((hunting,))~~ fishing(~~(,))~~ or field trial contest in accordance with rules of the commission. The fee for ~~((this))~~ a fishing contest permit is ~~((twenty))~~ twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred ~~((fifty))~~ eighty dollars.

Sec. 5. RCW 77.32.230 and 1988 c 176 s 914 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) ~~((A person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.~~

(3)) A blind person, or a person with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

((4)) (3) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

((5)) (4) A fishing license is not required for persons under the age of fifteen.

((6)) (5) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

Sec. 6. RCW 77.32.240 and 1981 c 310 s 28 are each amended to read as follows:

A scientific permit allows the holder to collect for research or display wildlife or their nests and eggs as required in RCW 77.32.010 under conditions prescribed by the director. Before a permit is issued, the applicant shall demonstrate to the director their qualifications and establish the need for the permit. The director may require a bond of up to one thousand dollars to insure compliance with the permit. Permits are valid for the time specified, unless sooner revoked.

Holders of permits may exchange specimens with the approval of the director.

A permit holder who violates this section shall forfeit the permit and bond and shall not receive a similar permit for one year. The fee for a scientific permit is ~~((ten))~~ twelve dollars.

Sec. 7. RCW 77.32.256 and 1987 c 506 s 86 are each amended to read as follows:

The director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is ~~((eight))~~ ten dollars.

Sec. 8. RCW 77.32.340 and 1990 c 84 s 5 are each amended to read as follows:

Fees for transport tags shall be as follows:

(1) The fee for a resident deer tag is ~~((fifteen))~~ eighteen dollars. The fee for a nonresident deer tag is ~~((fifty))~~ sixty dollars.

(2) The fee for a resident elk tag is ~~((twenty))~~ twenty-four dollars. The fee for a nonresident elk tag is one hundred twenty dollars.

(3) The fee for a resident bear tag is ~~((fifteen))~~ eighteen dollars. The fee for a nonresident bear tag is one hundred ~~((fifty))~~ eighty dollars.

(4) The fee for a resident cougar tag is ~~((twenty))~~ twenty-four dollars. The fee for a nonresident cougar tag is three hundred sixty dollars.

(5) The fee for a mountain goat tag is ~~((fifty))~~ sixty dollars for residents and one hundred ~~((fifty))~~ eighty dollars for nonresidents. The fee shall be paid at the time of application. Applicants who are not selected for a mountain goat special season permit shall receive a refund of this fee, less five dollars.

(6) The fee for a sheep tag is ~~((seventy-five))~~ ninety dollars for residents and three hundred sixty dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a sheep special season permit shall receive a refund of this fee, less five dollars.

(7) The fee for a moose tag is one hundred ~~((fifty))~~ eighty dollars for residents and three hundred sixty dollars for nonresidents and shall be paid at the time of application.

Applicants who are not selected for a moose special season permit shall receive a refund of this fee, less five dollars.

(8) The fee for a wild turkey tag is ~~((fifteen))~~ eighteen dollars for residents and sixty dollars for nonresidents.

(9) The fee for a lynx tag is twenty-four dollars for residents and three hundred sixty dollars for nonresidents and shall be paid at the time of application. Applicants who are not selected for a lynx special season permit shall receive a refund of this fee, less five dollars.

Sec. 9. RCW 77.32.350 and 1990 c 84 s 6 are each amended to read as follows:

In addition to a basic hunting license, a supplemental license, permit, or stamp is required to hunt for quail, partridge, pheasant, or migratory waterfowl, to hunt with a raptor, or to hunt wild animals with a dog.

(1) A hound permit is required to hunt wild animals, except rabbits and hares, with a dog. The fee for this permit is ~~((ten))~~ twelve dollars.

(2) An eastern Washington upland game bird permit is required to hunt for quail, partridge, and pheasant in eastern Washington. The fee for this permit is ~~((eight))~~ ten dollars.

(3) A western Washington upland game bird permit is required to hunt for quail, partridge, and pheasant in western Washington. The fee for this permit is ~~((fifteen dollars))~~ thirty-five dollars. Effective January 1, 1992, the permit shall be available as a season option, an early season option, a late season option, a juvenile full season option or a two-day option. The fee for this permit is:

(a) For the full season option, thirty-five dollars;

(b) For the early season option, twenty-five dollars;

(c) For the late season option, twenty-five dollars;

(d) For the juvenile full season or the two-day option, twenty dollars.

For the purposes of this subsection a juvenile is defined as a person under fifteen years of age upon the opening date of the western Washington pheasant season.

(4) A falconry license is required to possess or hunt with a raptor, including seasons established exclusively for hunting in that manner. The fee for this license is ~~((thirty))~~ thirty-six dollars.

(5) A migratory waterfowl stamp affixed to a basic hunting license is required for all persons sixteen years of age or older to hunt migratory waterfowl. The fee for the stamp is ~~((five))~~ six dollars.

(6) The migratory waterfowl stamp shall be validated by the signature of the licensee written across the face of the stamp.

(7) The migratory waterfowl stamps required by this section expire on March 31st following the date of issuance.

Sec. 10. RCW 77.32.360 and 1990 c 84 s 7 are each amended to read as follows:

(1) A steelhead catch record card is required to fish for steelhead trout. The fee for this catch record card is ~~((fifteen))~~ eighteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their catch record card as provided by rule.

(3) The steelhead catch record card required under this section expires April 30th following the date of issuance.

(4) Each person who returns a steelhead catch record card to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, catch record card, or stamp required by this chapter. This subsection does not apply to annual steelhead catch record cards for persons under the age of fifteen.

(5) Persons under the age of fifteen may purchase an annual steelhead catch record card for ~~((five))~~ six dollars. The ~~((five-dollar))~~ six-dollar catch record card entitles the

holder to retain no more than five steelhead. After retaining five steelhead, a new catch record card may be purchased.

Sec. 11. RCW 77.32.370 and 1987 c 506 s 89 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season established under chapter 77.12 RCW.

(2) Persons may apply for special hunting season permits as provided by rule of the director.

(3) The application fee to participate in a special hunting season is ~~((two))~~ three dollars.

Sec. 12. RCW 77.32.380 and 1988 c 36 s 52 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is ~~((eight))~~ ten dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use department lands and access facilities when accompanied by the license holder.

Youth groups may use department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified department of wildlife lands shall exhibit the required license.

NEW SECTION. Sec. 13. A new section is added to chapter 77.32 RCW to read as follows:

(1) The director shall adjust all fees under this chapter annually commencing with licenses purchased after December 31, 1992. The adjusted fees shall be based on the fees as of July 1, 1991, adjusted by the cumulative percentage change in the implicit price deflator for personal consumption expenditures published by the United States department of commerce, but the annual adjustment shall not exceed five percent in any one year, except as provided in subsection (2) of this section.

(2) Any increase or decrease in the fees for licenses, fees, stamps, or tags shall be rounded up to the nearest dollar.

(3) The department shall analyze all fees for permits, licenses, stamps, and tags issued by it to ensure the appropriate fee amount is charged. This analysis shall occur at least every six years. Where appropriate, the department shall recommend to the legislature that fees be adjusted to ensure that those fees are appropriate.

NEW SECTION. Sec. 14. A new section is added to chapter 46.16 RCW to read as follows:

In addition to the fees imposed in RCW 46.16.585 for application and renewal of personalized license plates an additional fee of ten dollars shall be charged. The revenue from the additional fee shall be deposited in the state wildlife fund and used for the management of resources associated with the nonconsumptive use of wildlife.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Mr. Morton moved adoption of the following amendment to the amendment:

On page 9, after line 20, strike all language through "(3)" on page 10, line 3.

Representatives Morton, Fuhrman and Padden spoke in favor of adoption of the amendment to the amendment, and Representatives Wang and Wilson spoke against it.

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be adoption of the amendment on page 9, line 20, by Representative Morton to the amendment by Representative Wang to House Bill No. 2235.

A division was called. The Speaker (Mr. R. Meyers presiding) called upon the House to divide. The result of the division was: Yeas - 43, Nays - 50. The amendment to the amendment was not adopted.

Mr. Wang spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Wang to the title was adopted:

On page 1, line 3 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 77.32.101, 77.32.161, 77.32.191, 77.32.211, 77.32.230, 77.32.240, 77.32.256, 77.32.340, 77.32.350, 77.32.360, 77.32.370, and 77.32.380; adding a new section to chapter 77.32 RCW; adding a new section to chapter 46.16 RCW; providing an effective date; and declaring an emergency."

The bill was ordered engrossed. On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives McLean, Fuhrman and Nealey spoke against passage of the bill, and Representatives R. King, Wilson and Wang spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2235, and the bill passed the House by the following vote: Yeas - 56, Nays - 37, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bray, Brekke, Broback, Brough, Cantwell, Cole, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hine, Holland, Inslee, Jacobsen, Johnson R., King, R., Leonard, Locke, Ludwig, Meyers, R., Miller, Mitchell, Morris, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Riley, Roland, Rust, Scott, Silver, Sommers, H., Spanel, Valle, Wang, Wilson, Wineberry, Winsley, Wood, and Mr. Speaker - 56.

Voting nay: Representatives Ballard, Basich, Betzoff, Bowman, Brumsickle, Casada, Chandler, Cooper, Edmondson, Ferguson, Former, Fuhrman, Hargrove, Heavey, Hochstatter, Horn, Johnson P., Jones, Kremen, Lisk, May, McLean, Mielke, Morton, Moyer, Nealey, Neher, Padden, Rayburn, Schmidt, Sheldon, Sommers, D., Tate, Vance, Van Luven, Wynne, Zellinsky - 37.

Excused: Representatives Beck, Braddock, Haugen, Peery, Sprenkle - 05.

Engrossed House Bill No. 2235, having received the constitutional majority, was declared passed.

The Speaker (Mr. R. Meyers presiding) declared the House to be at ease. The Speaker called the House to order.

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

INTRODUCTIONS AND FIRST READING

HB 2242 by Representatives Wang, Horn, Hine, Holland, Franklin, Wineberry, Phillips, Pruitt, Cole, Zellinsky, G. Fisher, Scott, H. Sommers, Nelson, O'Brien, May, Valle, D. Sommers, Moyer, Miller, Padden, Betrozoff, Forner, Wood, Paris, Wynne, Mitchell, Bowman, Neher, Schmidt, P. Johnson, Tate, Edmondson, Vance, Ballard and Casada

AN ACT Relating to delaying the phase-in of property taxes for homes for the aging; amending RCW 84.36.041; and declaring an emergency.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Bill No. 2242, House Bill No. 2240, House Bill No. 2241 and House Bill No. 2237 listed on today's introduction sheets under the fourth order of business were placed on the second reading calendar.

MOTION

On motion of Ms. Cole, Representatives Heavey and Wineberry were excused.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1025, by House Committee on Appropriations (originally sponsored by Representatives Cantwell, Betrozoff, Roland, Heavey, R. Meyers, Dorn, Holland, Paris, Wineberry, Wilson, May, Phillips, Wang, Sprenkle, Horn, Van Luven, Spanel, Wood, Prentice, Leonard, Haugen, Rust, Fraser, Nelson, Pruitt, G. Fisher, Jacobsen, R. Fisher, Valle, Hine, Winsley, Rasmussen, Scott, Forner, Brekke and Anderson; by request of Governor Gardner)

Establishing growth management strategies.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Engrossed Substitute House Bill No. 1025 was returned to second reading for purpose of amendment.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell and Forner:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SITING OF ESSENTIAL PUBLIC FACILITIES. (1) The comprehensive plan of each county and city that is planning under this chapter shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, and group homes.

(2) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list. No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

NEW SECTION. Sec. 2. COUNTY-WIDE PLANNING POLICIES. (1) The legislature recognizes that counties are regional governments within their boundaries, and cities are primary providers of urban governmental services within urban growth areas. For the purposes of this section, a "county-wide planning policy" is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100. Nothing in this section shall be construed to alter the land-use powers of cities.

(2) The legislative authority of a county that plans under RCW 36.70A.040 shall adopt a county-wide planning policy in cooperation with the cities located in whole or in part within the county as follows:

(a) No later than sixty calendar days from the effective date of this act, the legislative authority of the county shall convene a meeting with representatives of each city for the purpose of establishing a collaborative process that will provide a framework for the adoption of a county-wide planning policy;

(b) The process and framework for adoption of a county-wide planning policy specified in (a) of this subsection shall determine the manner in which the county and the cities agree to all procedures and provisions including but not limited to desired planning policies, deadlines, ratification of final agreements and demonstration thereof, and financing, if any, of all activities associated therewith;

(c) If a county fails for any reason to convene a meeting with representatives of cities as required in (a) of this subsection, the governor may immediately impose any appropriate sanction or sanctions on the county from those specified under section 26 of this act;

(d) If there is no agreement by October 1, 1991, the governor shall first inquire of the jurisdictions as to the reason or reasons for failure to reach an agreement. If the governor deems it appropriate, the governor may immediately request the assistance of the department of community development to mediate any disputes that preclude agreement. If mediation is unsuccessful in resolving all disputes that will lead to agreement, the governor may impose appropriate sanctions from those specified under

section 26 of this act on the county, city, or cities for failure to reach an agreement as provided in this section. The governor shall specify the reason or reasons for the imposition of any sanction; and

(e) No later than July 1, 1992, the legislative authority of the county shall adopt a county-wide planning policy according to the process provided under this section and that is consistent with the agreement pursuant to (b) of this subsection, and after holding a public hearing or hearings on the proposed county-wide planning policy.

(3) A county-wide planning policy shall at a minimum, address the following:

(a) Policies to implement RCW 36.70A.110;

(b) Policies for promotion of contiguous and orderly development and provision of urban services to such development;

(c) Policies for siting public capital facilities of a county-wide or state-wide nature;

(d) Policies for county-wide transportation facilities and strategies;

(e) Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution;

(f) Policies for joint county and city planning within urban growth areas;

(g) Policies for county-wide economic development and employment; and

(h) An analysis of the fiscal impact.

(4) Federal agencies and Indian tribes may participate in and cooperate with the county-wide planning policy adoption process. Adopted county-wide planning policies shall be adhered to by state agencies.

(5) Failure to adopt a county-wide planning policy that meets the requirements of this section may result in the imposition of a sanction or sanctions on a county or city within the county, as specified in section 26 of this act. In imposing a sanction or sanctions, the governor shall specify the reasons for failure to adopt a county-wide planning policy in order that any imposed sanction or sanctions are fairly and equitably related to the failure to adopt a county-wide planning policy.

(6) Cities and the governor may appeal an adopted county-wide planning policy to the growth planning hearings board within sixty days of the adoption of the county-wide planning policy.

(7) Multicounty planning policies shall be adopted by two or more counties, each with a population of four hundred fifty thousand or more, with contiguous urban areas and may be adopted by other counties, according to the process established under this section or other processes agreed to among the counties and cities within the affected counties throughout the multicounty region.

Sec. 3. RCW 36.70A.190 and 1990 1st ex.s. c 17 s 20 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, and other relevant factors.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention

of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

NEW SECTION. Sec. 4. STATE AGENCIES REQUIRED TO COMPLY WITH COMPREHENSIVE PLANS. State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter.

NEW SECTION. Sec. 5. GROWTH PLANNING HEARINGS BOARDS CREATED. (1) There are hereby created three growth planning hearings boards for the state of Washington. The boards shall be established as follows:

(a) An Eastern Washington board with jurisdictional boundaries including all counties that are required to or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) A Central Puget Sound board with jurisdictional boundaries including King, Pierce, Snohomish, and Kitsap counties; and

(c) A Western Washington board with jurisdictional boundaries including all counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade mountains and are not included in the Central Puget Sound board jurisdictional boundaries. Skamania county, should it be required or choose to plan under RCW 36.70A.040, may elect to be included within the jurisdictional boundaries of either the Western or Eastern board.

(2) Each board shall only hear matters pertaining to the cities and counties located within its jurisdictional boundaries.

NEW SECTION. Sec. 6. GROWTH PLANNING HEARINGS BOARDS--MEMBER QUALIFICATIONS. (1) Each growth planning hearings board shall consist of three members qualified by experience or training in matters pertaining to land use planning and residing within the jurisdictional boundaries of the applicable board. At least one member of each board must be admitted to practice law in this state and at least one member must have been a city or county elected official. Each board shall be appointed by the governor and not more than two members at the time of appointment or during their term shall be members of the same political party. No more than two members at the time of appointment or during their term shall reside in the same county.

(2) Each member of a board shall be appointed for a term of six years. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. The terms of the first three members of a board shall be staggered so that one member is appointed to serve until July 1, 1994, one member until July 1, 1996, and one member until July 1, 1998.

NEW SECTION. Sec. 7. CONDUCT, PROCEDURE, AND COMPENSATION OF GROWTH PLANNING HEARINGS BOARDS. Each growth planning hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of a board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. If it is determined that the review boards shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member. The principal office of each board shall be located by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of each board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board may also appoint as its authorized agents one or more hearing examiners to assist the board in the performance of its hearing function pursuant to the authority contained in the administrative procedure act, chapter 34.05 RCW. The findings of the hearing examiner shall not become final until they have been formally approved by the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) Each board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(6) All proceedings before the board or any of its members shall be conducted in accordance with such administrative rules of practice and procedure as the boards jointly prescribe. All three boards shall jointly meet to develop and adopt joint rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. The boards shall publish such rules and arrange for the reasonable distribution of the rules. The administrative procedure act, chapter 34.05 RCW, shall govern the administrative rules of practice and procedure adopted by the boards.

(7) The members of the boards shall meet jointly on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

NEW SECTION. Sec. 8. COMPREHENSIVE PLANS--DEVELOPMENT REGULATIONS--TRANSMITTAL TO STATE. (1) Each county and city proposing adoption of a comprehensive plan or development regulations under this chapter shall notify the department of its intent to adopt such plan or regulations at least sixty days prior to final adoption. State agencies including the department may provide comments

to the county or city on the proposed comprehensive plan, or proposed development regulations, during the public review process prior to adoption.

(2) Each county and city planning under this chapter shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3) Any amendments for permanent changes to a comprehensive plan or development regulation that are proposed by a county or city to its adopted plan or regulations shall be submitted to the department in the same manner as initial plans and development regulations under this section. Any amendments to a comprehensive plan or development regulations that are adopted by a county or city shall be transmitted to the department in the same manner as the initial plans and regulations under this section.

NEW SECTION. Sec. 9. MATTERS SUBJECT TO BOARD REVIEW. (1) A growth planning hearings board shall hear and determine only those petitions alleging either: (a) That a state agency, county, or city is not in compliance with the requirements of this chapter, or chapter 43.21C RCW as it relates to plans, regulations, and amendments thereto, adopted under RCW 36.70A.040; or (b) that the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by the state, a county or city that plans under this chapter, a person who has either appeared before the county or city regarding the matter on which a review is being requested or is certified by the governor within sixty days of filing the request with the board, or a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, a board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by a board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by a board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as a "board adjusted population projection". None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

NEW SECTION. Sec. 10. PETITIONS TO GROWTH PLANNING HEARINGS BOARDS--EVIDENCE TO BE CONSIDERED BY BOARD. (1) All requests for review to a growth planning hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter must be filed within sixty days after publication by the legislative bodies of the county or city. The date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published. Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto. The date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

NEW SECTION. Sec. 11. **FINAL ORDERS.** (1) The board shall issue a final order within one hundred eighty days of receipt of the petition for review, or, when multiple petitions are filed, within one hundred eighty days of receipt of the last petition that is consolidated. Such a final order shall be based exclusively on whether or not a state agency, county, or city is in compliance with the requirements of this chapter, or chapter 43.21C RCW as it relates to plans, regulations, and amendments thereto, adopted under RCW 36.70A.040. In the final order, the board shall either: (a) Find that the state agency, county, or city is in compliance with the requirements of this chapter; or (b) find that the state agency, county, or city is not in compliance with the requirements of this chapter, in which case the board shall remand the matter to the affected state agency, county, or city and specify a reasonable time not in excess of one hundred eighty days within which the state agency, county, or city shall comply with the requirements of this chapter.

(2) Any party aggrieved by a final decision of the hearings board may appeal the decision to Thurston county superior court within thirty days of the final order of the board.

NEW SECTION. Sec. 12. **LIMITATIONS ON APPEAL BY THE STATE.** A request for review by the state to a growth planning hearings board may be made only by the governor, or with the governor's consent the head of an agency, or by the commissioner of public lands as relating to state trust lands, for the review of whether: (1) A county or city that is required or chooses to plan under RCW 36.70A.040 has failed to adopt a comprehensive plan or development regulations, or county-wide planning policies within the time limits established by this chapter; or (2) a county or city that is required or chooses to plan under this chapter has adopted a comprehensive plan, development regulations, or county-wide planning policies, that are not in compliance with the requirements of this chapter.

NEW SECTION. Sec. 13. **PRESUMPTION OF VALIDITY--BURDEN OF PROOF--PLANS AND REGULATIONS.** Comprehensive plans and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption. In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it finds by a preponderance of the evidence that the state agency, county, or city erroneously interpreted or applied this chapter.

NEW SECTION. Sec. 14. **NONCOMPLIANCE.** (1) After the time set for complying with the requirements of this chapter under section 11(1)(b) of this act has expired, the board, on its own motion or motion of the petitioner, shall set a hearing for the purpose of determining whether the state agency, county, or city is in compliance with the requirements of this chapter.

(2) The board shall conduct a hearing and issue a finding of compliance or noncompliance. A hearing under this subsection shall be given the highest priority of business to be conducted by the board, and a finding shall be issued within forty-five days of the filing of the motion under subsection (1) of this section with the board.

(3) If the board finds that the state agency, county, or city is not in compliance, the board shall transmit its finding to the governor. The board may recommend to the governor that the sanctions authorized by this chapter be imposed.

NEW SECTION. Sec. 15. PHASING OF COMPREHENSIVE PLANS SUBMITTAL. The department may adopt a schedule to permit phasing of comprehensive plan submittal for counties and cities planning under RCW 36.70A.040. This schedule shall not permit a comprehensive plan to be submitted greater than one hundred eighty days past the date that the plan was required to be submitted and shall be used to facilitate expeditious review and interjurisdictional coordination of comprehensive plans and development regulations.

NEW SECTION. Sec. 16. NEW FULLY CONTAINED COMMUNITIES. A county required or choosing to plan under RCW 36.70A.040 may establish a process as part of its urban growth areas, that are designated under RCW 36.70A.110, for reviewing proposals to authorize new fully contained communities located outside of the initially designated urban growth areas.

(1) A new fully contained community may be approved in a county planning under this chapter if criteria including but not limited to the following are met:

(a) New infrastructure is provided for and impact fees are established consistent with the requirements of RCW 82.02.050;

(b) Transit-oriented site planning and traffic demand management programs are implemented;

(c) Buffers are provided between the new fully contained communities and adjacent urban development;

(d) A mix of uses is provided to offer jobs, housing, and services to the residents of the new community;

(e) Affordable housing is provided within the new community for a broad range of income levels;

(f) Environmental protection has been addressed and provided for;

(g) Development regulations are established to ensure urban growth will not occur in adjacent nonurban areas;

(h) Provision is made to mitigate impacts on designated agricultural lands, forest lands, and mineral resource lands;

(i) The plan for the new fully contained community is consistent with the development regulations established for the protection of critical areas by the county pursuant to RCW 36.70A.170.

(2) New fully contained communities may be approved outside established urban growth areas only if a county reserves a portion of the twenty-year population projection and offsets the urban growth area accordingly for allocation to new fully contained communities that meet the requirements of this chapter. Any county electing to establish a new community reserve shall do so no more often than once every five years as a part of the designation or review of urban growth areas required by this chapter. The new community reserve shall be allocated on a project-by-project basis, only after specific project approval procedures have been adopted pursuant to this chapter as a development regulation. When a new community reserve is established, urban growth areas designated pursuant to this chapter shall accommodate the unreserved portion of the twenty-year population projection.

Final approval of an application for a new fully contained community shall be considered an adopted amendment to the comprehensive plan prepared pursuant to RCW 36.70A.070 designating the new fully contained community as an urban growth area.

NEW SECTION. Sec. 17. NEW MASTER PLANNED RESORTS. Counties that are required or choose to plan under RCW 36.70A.040 may permit master planned resorts which may constitute urban growth outside of urban growth areas as limited by this section. A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities. A master

planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

A master planned resort may be authorized by a county only if:

(1) The comprehensive plan specifically identifies policies to guide the development of master planned resorts;

(2) The comprehensive plan and development regulations include restrictions that preclude new urban or suburban land uses in the vicinity of the master planned resort, except in areas otherwise designated for urban growth under RCW 36.70A.110;

(3) The county includes a finding as a part of the approval process that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production, if located on land that otherwise would be designated as forest land or agricultural land under RCW 36.70A.170;

(4) The county ensures that the resort plan is consistent with the development regulations established for critical areas; and

(5) On-site and off-site infrastructure impacts are fully considered and mitigated.

NEW SECTION. Sec. 18. PROTECTION OF PRIVATE PROPERTY. (1) The state attorney general shall establish by October 1, 1991, an orderly, consistent process, including a checklist if appropriate, that better enables state agencies and local governments to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. It is not the purpose of this section to expand or reduce the scope of private property protections provided in the state and federal Constitutions. The attorney general shall review and update the process at least on an annual basis to maintain consistency with changes in case law.

(2) Local governments that are required or choose to plan under RCW 36.70A.040 and state agencies shall utilize the process established by subsection (1) of this section to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property.

(3) The attorney general, in consultation with the Washington state bar association, shall develop a continuing education course to implement this section.

(4) The process used by government agencies shall be protected by attorney client privilege. Nothing in this section grants a private party the right to seek judicial relief requiring compliance with the provisions of this section.

NEW SECTION. Sec. 19. OPEN SPACE PROTECTION. When open space is to be protected for the purpose of public use and access, a county or city shall acquire sufficient interest to prevent its development. This acquisition requirement does not apply to the land areas needed to protect critical areas. County and city governments may utilize a variety of methods to limit the future use of, or otherwise conserve, selected open space including, but not limited to, incentive zoning, the acquisition by gift, purchase, grant, bequest, devise, lease, or otherwise, the fee simple interest or lesser interest, transfer of development right, easement, covenant, or other contractual right.

NEW SECTION. Sec. 20. ENVIRONMENTAL PLANNING PILOT PROJECTS. (1) The legislature intends to determine whether the environmental review process mandated under chapter 43.21C RCW may be enhanced and simplified, and coordination improved, when applied to comprehensive plans mandated by this chapter. The department of community development shall undertake pilot projects on environmental review to determine if the review process can be improved by fostering more coordination and eliminating duplicative environmental analysis which is made to assist decision makers approving comprehensive plans pursuant to this chapter. Such pilot projects should be designed and scoped to consider cumulative impacts resulting from plan decisions, plan impacts on environmental quality, impacts on adjacent jurisdictions, and

similar factors in sufficient depth to simplify the analysis of subsequent specific projects being carried out pursuant to the approved plan.

(2) The legislature hereby authorizes the department of community development to establish, in cooperation with business, industry, cities, counties, and other interested parties, at least two but not more than four pilot projects, one of which shall be with a county, on enhanced draft and final nonproject environmental analysis of comprehensive plans prepared pursuant to this chapter, for the purposes outlined in subsection (1) of this section. The department of community development may select appropriate geographic subareas within a comprehensive plan if that will best serve the purposes of this section and meet the requirements of chapter 43.21C RCW.

(3) An enhanced draft and final nonproject environmental analysis prepared pursuant to this section shall follow the rules adopted pursuant to chapter 43.21C RCW.

(4) Not later than December 31, 1993, the department of community development shall evaluate the overall effectiveness of the pilot projects under this section regarding preparing enhanced nonproject environmental analysis for the approval process of comprehensive plans and shall:

(a) Provide an interim report of its findings to the legislature with such recommendations as may be appropriate, including the need, if any, for further legislation;

(b) Consider adoption of any further rules or guidelines as may be appropriate to assist counties and cities in meeting requirements of chapter 43.21C RCW when considering comprehensive plans; and

(c) Prepare and circulate to counties and cities such instructional manuals or other information derived from the pilot projects as will assist all counties and cities in meeting the requirements and objectives of chapter 43.21C RCW in the most expeditious and efficient manner in the process of considering comprehensive plans pursuant to this chapter.

(5) The department of community development shall submit a final report to the legislature no later than December 31, 1995.

Sec. 21. RCW 36.70A.060 and 1990 1st ex.s. c 17 s 6 are each amended to read as follows:

FOREST, AGRICULTURE, AND MINERAL RESOURCE LANDS AND CRITICAL AREAS--DEVELOPMENT REGULATIONS. (1) Each county that is required or chooses to plan under RCW 36.70A.040, and each city within such county, shall adopt development regulations on or before September 1, 1991, to assure the conservation of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170. Regulations adopted under this ~~((section))~~ subsection may not prohibit uses ~~((permitted))~~ legally existing on any parcel prior to their adoption and shall remain in effect until ~~((a))~~ the county or city adopts development regulations pursuant to RCW 36.70A.120. Such regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated lands for the production of food, agricultural products, or timber, or for the extraction of minerals. Counties and cities shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

(2) Each county ~~((that is required or chooses to plan under RCW 36.70A.040,))~~ and ~~((each))~~ city ~~((within such county,))~~ shall adopt development regulations ~~((on or before September 1, 1991, precluding land uses or development))~~ that ~~((is incompatible with the))~~ protect critical areas that are required to be designated under RCW 36.70A.170. For

counties and cities that are required or choose to plan under RCW 36.70A.040, such development regulations shall be adopted on or before September 1, 1991. For the remainder of the counties and cities, such development regulations shall be adopted on or before March 1, 1992.

~~((2))~~ (3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations to insure consistency.

(4) Forest land and agricultural land located within urban growth areas shall not be designated by a county or city as forest land or agricultural land of long-term commercial significance under RCW 36.70A.170 unless the city or county has enacted a program authorizing transfer or purchase of development rights.

NEW SECTION. Sec. 22. A new section is added to chapter 36.93 RCW to read as follows:

POWER TO DISBAND BOUNDARY REVIEW BOARD. When a county and the cities and towns within the county have adopted a comprehensive plan and consistent development regulations pursuant to the provisions of chapter 36.70A RCW, the county may, at the discretion of the county legislative authority, disband the boundary review board in that county.

Sec. 23. RCW 43.155.070 and 1990 1st ex.s. c 17 s 82 are each amended to read as follows:

BOARD TO CONSIDER WHETHER REGIONAL PLANS ARE ADOPTED WHEN MAKING LOANS. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs; ~~((and))~~

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

(d) A county, city, or town that is required or chooses to plan under RCW 36.70A.040 must have adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable.

(3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the chairs of the ways and means committees of the senate and house of representatives a description of the emergency loans made under RCW 43.155.065 during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsections (4) and (5) of this section do not apply to loans made for emergency public works projects under RCW 43.155.065.

Sec. 24. RCW 70.146.070 and 1986 c 3 s 10 are each amended to read as follows:

When making grants or loans for water pollution control facilities, the department shall consider the following:

(1) The protection of water quality and public health;

(2) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(3) Actions required under federal and state permits and compliance orders;

(4) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(5) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(6) The recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

A county, city, or town that is required or chooses to plan under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, or unless it has adopted

development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

NEW SECTION. Sec. 25. A new section is added to chapter 43.01 RCW to read as follows:

COUNTY-WIDE PLANNING POLICY INCENTIVES. Whenever a state agency is considering awarding grants or loans for a county, city, or town to finance public facilities, it shall consider whether the county, city, or town that is requesting the grant or loan is a party to a county-wide planning policy under section 2 of this act relating to the type of public facility for which the grant or loan is sought, and shall accord additional preference to the county, city, or town if such county-wide planning policy exists. Whenever a state agency is considering awarding grants or loans to a special district for public facilities, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located is a party to a county-wide planning policy under section 2 of this act relating to the type of public facility for which the grant or loan is sought.

NEW SECTION. Sec. 26. **NONCOMPLIANCE AND SANCTIONS.** Upon receipt from the board of a finding that a state agency, county, or city is in noncompliance under section 14 of this act, or as a result of failure to meet the requirements of section 2 of this act, the governor may either:

(1) Notify and direct the director of the office of financial management to revise allotments in appropriation levels;

(2) Notify and direct the state treasurer to withhold the portion of revenues to which the county or city is entitled under one or more of the following: The motor vehicle fuel tax, as provided in chapter 82.36 RCW; the transportation improvement account, as provided in RCW 47.26.084; the urban arterial trust account, as provided in RCW 47.26.080; the rural arterial trust account, as provided in RCW 36.79.150; the sales and use tax, as provided in chapter 82.14 RCW; the liquor profit tax, as provided in RCW 66.08.190; and the liquor excise tax, as provided in RCW 82.08.170; or

(3) File a notice of noncompliance with the secretary of state and the county or city, which shall temporarily rescind the county or city's authority to collect the real estate excise tax under RCW 82.46.030 until the governor files a notice rescinding the notice of noncompliance.

Sec. 27. RCW 43.88.110 and 1987 c 502 s 5 are each amended to read as follows:

EXPENDITURE PROGRAMS--ALLOTMENTS--RESERVES. This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) The director of financial management shall provide all agencies with a complete set of instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(2) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor. If at any time during the fiscal period the governor projects a cash deficit as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the

governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, ~~((and))~~ changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management. The director of financial management shall monitor agency expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

(4) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

Sec. 28. RCW 19.27.097 and 1990 1st ex.s. c 17 s 63 are each amended to read as follows:

(1) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of community development to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

Sec. 29. RCW 36.70A.110 and 1990 1st ex.s. c 17 s 11 are each amended to read as follows:

COMPREHENSIVE PLANS--URBAN GROWTH AREAS. (1) Each county that is required or chooses to adopt a comprehensive land use plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(2) Based upon the population (~~forecast~~) growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. Within one year of July 1, 1990, each county required to designate urban growth areas shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development, and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources. Further, it is appropriate that urban government services be provided by cities, and urban government services should not be provided in rural areas.

Sec. 30. RCW 43.62.035 and 1990 1st ex.s. c 17 s 32 are each amended to read as follows:

DETERMINING POPULATION. The office of financial management shall determine the population of each county of the state annually as of April 1st of each year and on or before July 1st of each year shall file a certificate with the secretary of state showing its determination of the population for each county. The office of financial management also shall determine the percentage increase in population for each county over the preceding ten-year period, as of April 1st, and shall file a certificate with the secretary of state by July 1st showing its determination. At least once every ten years the office of financial management shall prepare (~~(a)~~) twenty-year growth management planning population (~~forecast~~) projections required by RCW 36.70A.110 for each county that adopts a comprehensive plan under RCW 36.70A.040 and shall review these projections with such counties before final adoption.

Sec. 31. RCW 36.79.150 and 1983 1st ex.s. c 49 s 15 are each amended to read as follows:

RURAL ARTERIAL TRUST ACCOUNT. (1) Whenever the board approves a rural arterial project it shall determine the amount of rural arterial trust account funds to be

allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable rules pursuant to which rural arterial trust account funds allocated to a project may be increased upon a subsequent application of the county constructing the project. The rules adopted by the board shall take into account, but shall not be limited to, the following factors: ~~((1))~~ (a) The financial effect of increasing the original allocation for the project upon other rural arterial projects either approved or requested; ~~((2))~~ (b) whether the project for which an additional allocation is requested can be reduced in scope while retaining a usable segment; ~~((3))~~ (c) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and ~~((4))~~ (d) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved.

(2) The board shall not allocate funds, nor make payments under RCW 36.79.160, to any county or city identified by the governor under section 26 of this act.

Sec. 32. RCW 47.26.080 and 1988 c 167 s 13 are each amended to read as follows:

URBAN ARTERIAL TRUST ACCOUNT. There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial roads within urban areas, for expenses of the transportation improvement board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas, or for reimbursement to the state, counties, cities, and towns in accordance with RCW 47.26.4252 and 47.26.4254, the amount of any payments made on principal or interest on urban arterial trust account bonds from motor vehicle or special fuel tax revenues which were distributable to the state, counties, cities, and towns.

The board shall not allocate funds, nor make payments of the funds under RCW 47.26.260, to any county, city, or town identified by the governor under section 26 of this act.

Sec. 33. RCW 82.46.035 and 1990 1st ex.s. c 17 s 38 are each amended to read as follows:

ADDITIONAL TAX--CERTAIN COUNTIES--BALLOT PROPOSITION--USE LIMITED TO CAPITAL PROJECTS. (1) The governing body of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(2) Revenues generated from the tax imposed under subsection (1) of this section shall be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan.

(3) Revenues generated by the tax imposed by this section shall be deposited in a separate account.

(4) As used in this section, "city" means any city or town.

(5) When the governor files a notice of noncompliance under section 26 of this act with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section shall be temporarily

rescinded until the governor files a subsequent notice rescinding the notice of noncompliance.

Sec. 34. RCW 66.08.190 and 1988 c 229 s 4 are each amended to read as follows:

LIQUOR REVOLVING FUND--DISBURSEMENT OF EXCESS FUNDS TO STATE, COUNTIES AND CITIES. When excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(1) Three-tenths of one percent to the department of community development to be allocated to border areas under RCW 66.08.195; and

(2) From the amount remaining after distribution under subsection (1) of this section, fifty percent to the general fund of the state, ten percent to the counties of the state, and forty percent to the incorporated cities and towns of the state.

(3) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to section 26 of this act.

NEW SECTION. Sec. 35. A new section is added to chapter 82.14 RCW to read as follows:

WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and direct the state treasurer to withhold the revenues to which the county or city is entitled under this chapter if a county or city is found to be in noncompliance pursuant to section 26 of this act.

NEW SECTION. Sec. 36. A new section is added to chapter 82.08 RCW to read as follows:

WITHHOLDING REVENUE--NONCOMPLIANCE. The governor may notify and direct the state treasurer to withhold the revenues to which the counties, cities, and towns are entitled under RCW 82.08.170 if the counties, cities, or towns are found to be in noncompliance pursuant to section 26 of this act.

NEW SECTION. Sec. 37. **TEMPORARY COMMITTEE ON NATURAL RESOURCES OF STATE-WIDE SIGNIFICANCE.** (1) There is created a temporary committee consisting of the commissioner of public lands, the director of parks and recreation, the director of wildlife, the director of fisheries, the director of ecology, the director of community development, the director of the interagency committee for outdoor recreation, or their designees, one representative from the association of Washington cities, one representative from the Washington state association of counties, and by appointment of the governor, three members of the public. In selecting the three members of the public to serve on this committee, the governor shall keep in mind the diversity of the state's natural resources and the diverse needs of state residents. The director of community development shall serve as the chair of the committee and the department shall provide staff to the committee. Members employed by the state shall serve without additional pay, and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

(2) This section shall expire January 1, 1992.

NEW SECTION. Sec. 38. **LEGISLATIVE REPORT ON NATURAL RESOURCES OF STATE-WIDE SIGNIFICANCE.** (1) The committee established in section 37 of this act shall submit to the legislature a report on or before December 31, 1991, that develops recommendations on: (a) Criteria that could be used in identifying natural resources of state-wide significance; (b) minimum standards to protect natural resources of state-wide significance within the jurisdictions of cities or counties and means for resolving issues of protection between jurisdictions; (c) the need for acquisition of natural resources of state-wide significance; and (d) issues regarding designation of mineral resource lands of long-term commercial significance within and outside urban

growth areas. In carrying out the responsibilities under this subsection, the committee shall consult with interested parties and shall conduct public hearings in various regions of the state. The committee shall consider the input obtained at such public hearings when developing the recommendations.

(2) For purposes of this section, natural resources of state-wide significance are those natural resources that possess outstanding natural, ecological, or scenic values, and are of the highest quality and most significant of their type. Because of their quality, they are of interest to all resident of the state.

(3) This section shall expire January 1, 1992.

NEW SECTION. Sec. 39. HEADINGS. Section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 40. CODIFICATION. Sections 1, 2, 4 through 20, and 26 of this act are each added to chapter 36.70A RCW.

NEW SECTION. Sec. 41. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Ms. Cantwell moved adoption of the following amendment by Representatives Cantwell and Forner to the striking amendment:

On page 36 of the amendment, after line 29, insert:

NEW SECTION. Sec. 39. A new section is added to Chapter 36.70A RCW to read as follows:

The department may extend the date by which a county or city is required to designate agricultural lands, forest lands, mineral resource lands, and critical areas under RCW 36.70A.170, or the date by which a county or city is required to protect such lands and critical areas under RCW 36.70A.060, if the county or city demonstrates that it is proceeding in an orderly fashion, and is making a good faith effort, to meet these requirements. An extension may be for up to an additional one hundred eighty days. The length of an extension shall be based on the difficulty of the effort to conform with these requirements.

Re-number remaining sections consecutively and correct internal references accordingly.

Representatives Cantwell and Forner spoke in favor of adoption of the amendment to the striking amendment, and it was adopted.

Representatives Cantwell, Forner, Hargrove and Nelson spoke in favor of adoption of the striking amendment as amended, and it was adopted.

With consent of the House, the following amendment by Representatives Cantwell and Forner to the title was adopted:

On page 1, line 1 of the title, after "strategies;" strike the remainder of the title and insert "amending RCW 36.70A.190, 36.70A.060, 43.155.070, 70.146.070, 43.88.110, 19.27.097, 36.70A.110, 43.62.035, 36.79.150, 47.26.080, 82.46.035, and 66.08.190; adding a new section to chapter 36.93 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.08 RCW; adding new sections to chapter 36.70A RCW; creating new sections; and declaring an emergency."

The bill was ordered reengrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 1025, and the bill passed the House by the following vote: Yeas - 69, Nays - 22, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Belcher, Betrozoff, Bray, Brekke, Broback, Brough, Cantwell, Casada, Cole, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Miller, Mitchell, Morris, Myers, H., Nealey, Nelson, O'Brien, Ogden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Ballard, Basich, Bowman, Brumsickle, Chandler, Cooper, Day, Edmondson, Fuhrman, Hochstatter, Johnson P., Lisk, McLean, Mielke, Morton, Moyer, Neher, Orr, Padden, Sheldon, Silver, Sommers, D. - 22.

Excused: Representatives Beck, Braddock, Haugen, Heavey, Peery, Sprengle, Wineberry - 07.

Reengrossed Substitute House Bill No. 1025, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

June 27, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5458,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5580,

SUBSTITUTE SENATE BILL NO. 5653,

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8417,

ENGROSSED HOUSE BILL NO. 2231,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1095,

SUBSTITUTE HOUSE BILL NO. 1909,

HOUSE BILL NO. 2214,

SENATE BILL NO. 5718,

SENATE BILL NO. 5988,

SENATE BILL NO. 5997,

ENGROSSED SENATE BILL NO. 5998.

The Speaker called on Representative R. Meyers to preside.

MOTION

Mr. Dorn moved that the House immediately resume consideration of Engrossed Substitute Senate Bill No. 5996 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

ENGROSSED SUBSTITUTE SENATE BILL NO. 5996, by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen and Johnson)

Making adjustments to child support guidelines.

Mr. Padden moved adoption of the following amendment:

On page 5, after line 27, insert the following sections:

Sec. 4. RCW 26.19.001 and 1988 c 275 s 1 are each amended

to read as follows:

The legislature intends, in establishing a child support schedule, to insure that child support orders are adequate to meet a child's basic needs and to provide additional child support commensurate with the parents' own income((r)) and resources((~~r~~ and standard of living)) while recognizing that all parties to a divorce may by necessity suffer a reduced standard of living as a result of the divorce. The legislature also intends that the child support obligation should be equitably apportioned between the parents.

The legislature finds that these goals will be best achieved by the adoption and use of a state-wide child support schedule. Use of a state-wide schedule will benefit children and their parents by:

- (1) Increasing the adequacy of child support orders through the use of economic data as the basis for establishing the child support schedule;
- (2) Increasing the equity of child support orders by providing for comparable orders in cases with similar circumstances; and
- (3) Reducing the adversarial nature of the proceedings by increasing voluntary settlements as a result of the greater predictability achieved by a uniform state-wide child support schedule.

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. Padden spoke in favor of adoption of the amendment.

Ms. Cole demanded an electric roll call vote, and the demand was sustained.

Mr. Hargrove spoke in favor of the amendment, and Mr. Appelwick spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment on page 5, after line 27, by Representative Padden to Engrossed Substitute Senate Bill No. 5996, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 48, Absent - 0, Excused - 7.

Voting yea: Representatives Ballard, Basich, Betzoff, Bowman, Broback, Brunsickle, Casada, Chandler, Cooper, Dorn, Edmondson, Ferguson, Fraser, Fuhman, Hargrove, Hochstatter, Horn, Johnson P., Jones, Kremen, Lisk, May, McLean, Meyers, R., Mielke, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Padden, Prince, Riley, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wynne - 43.

Voting nay: Representatives Anderson, Appelwick, Belcher, Bray, Brekke, Brough, Cantwell, Cole, Day, Dellwo, Ebersole, Fisher, G., Fisher, R., Forner, Franklin, Grant, Hine, Holland, Inslee, Jacobsen, Johnson R., King, R., Leonard, Locke, Ludwig, Miller, Mitchell, Nelson, O'Brien, Oden, Orr, Paris, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Rust, Scott, Sheldon, Sommers, H., Spanel, Valle, Wang, Winsley, Wood, Zellinsky, and Mr. Speaker - 48.

Excused: Representatives Beck, Braddock, Haugen, Heavey, Peery, Sprengle, Wineberry - 07.

Mr. Padden moved adoption of the following amendments:

On page 7, after line 26, strike "(c) Overtime;"

Reletter the remaining subsections consecutively and correct internal references accordingly

On page 8, after line 22, insert "(f) Overtime, whether mandatory or voluntary;"

Reletter the remaining subsections consecutively and correct internal references accordingly

On page 10, after line 17, insert "(iv) Overtime, whether mandatory or voluntary;"

Reletter the remaining subsections consecutively and correct internal references accordingly

On page 11, line 2, after "include" strike "overtime,"

Mr. Padden spoke in favor of adoption of the amendments.

Ms. Cole demanded an electric roll call vote, and the demand was sustained.

Mr. Hargrove spoke in favor of the amendments, and Mr. Appelwick spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendments on pages 7, 8, 10 and 11, by Representative Padden to Engrossed Substitute Senate Bill No. 5996, and the amendments were adopted by the following vote: Yeas - 49, Nays - 42, Absent - 0, Excused - 7.

Voting yea: Representatives Ballard, Basich, Betzoff, Bowman, Broback, Brunsickle, Casada, Chandler, Cooper, Day, Dellwo, Dorn, Edmondson, Franklin, Fuhman, Hargrove, Hochstatter, Horn, Inslee, Johnson P., Jones, King, R., Kremen, Lisk, May, McLean, Meyers, R., Mielke, Morris, Morton, Myers, H., Nealey, Neher, Padden,

Paris, Pruitt, Rayburn, Riley, Roland, Schmidt, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Wood, Wynne, Zellinsky - 49.

Voting nay: Representatives Anderson, Appelwick, Belcher, Bray, Brekke, Brough, Cantwell, Cole, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Fraser, Grant, Hine, Holland, Jacobsen, Johnson R., Leonard, Locke, Ludwig, Miller, Mitchell, Moyer, Nelson, O'Brien, Ogden, Orr, Phillips, Prentice, Prince, Rasmussen, Rust, Scott, Sheldon, Sommers, H., Spanel, Valle, Wang, Winsley, and Mr. Speaker - 42.

Excused: Representatives Beck, Braddock, Haugen, Heavey, Peery, Sprenkle, Wineberry - 07.

The Clerk read the following amendment by Representative Padden:

On page 13, on line 10 after "support." insert "The maximum amount of child support the court may award to pay for the cost of tuition is the amount of tuition set for students who are residents of the state of Washington who attend a state-funded four-year university."

MOTION

Mr. Ebersole moved that the House defer further consideration of Engrossed Substitute Senate Bill No. 5996 and that the bill hold its place on the second reading calendar. The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

June 27, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The transportation budget of the state is hereby adopted and, subject to the provisions hereinafter set forth, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for salaries, wages, and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 1993. No moneys are provided in this act for major relocation of the Washington state patrol or the department of licensing. Any bill enacted during the 1991 legislative sessions requiring expenditure from a transportation related fund or account that was not heard by either of the respective transportation committees is not funded in this act.

NEW SECTION. Sec. 2. FOR THE TRAFFIC SAFETY COMMISSION

Highway Safety Fund--State Appropriation	\$	398,000
Highway Safety Fund--Federal Appropriation	\$	4,887,000
TOTAL APPROPRIATION	\$	5,285,000

NEW SECTION. Sec. 3. FOR THE TRAFFIC SAFETY COMMISSION

The sum of \$900,000, or as much thereof as may be necessary, is appropriated from the public safety and education account to the traffic safety commission solely to continue the DWI task force program. This appropriation represents seventy-five percent of the requested \$1.2 million state funding. It is the intent of the legislature that the state funding will be reduced by \$300,000 per biennium until no state funds are required to

support this program. It is also the intent of the legislature that the commission seek funding from sources other than the state.

NEW SECTION. Sec. 4. FOR THE BOARD OF PILOTAGE COMMISSIONERS

General Fund--Pilotage Account--State

Appropriation \$ 185,000

No more than \$80,000 may be expended for attorney general fees.

NEW SECTION. Sec. 5. FOR THE COUNTY ROAD ADMINISTRATION

BOARD

Motor Vehicle Fund--County Arterial Preservation

Account--State Appropriation \$ 22,427,000

Motor Vehicle Fund--Rural Arterial Trust Account--

State Appropriation \$ 37,413,000

Motor Vehicle Fund--State Appropriation \$ 1,190,000

TOTAL APPROPRIATION \$ 61,030,000

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

NEW SECTION. Sec. 6. FOR THE TRANSPORTATION IMPROVEMENT

BOARD

Motor Vehicle Fund--Transportation Improvement

Account--State Appropriation \$ 104,000,000

Motor Vehicle Fund--Urban Arterial Trust Account--

State Appropriation \$ 51,848,000

TOTAL APPROPRIATION \$ 155,848,000

The legislative transportation committee shall evaluate methods to improve legislative oversight of transportation improvement account projects.

NEW SECTION. Sec. 7. FOR THE STATE PATROL--FIELD OPERATIONS

BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 2,399,000

This appropriation is provided solely to fund the Safety Education Officer Program and enhancement in the Commercial Vehicle Weighing and Safety Inspection Program for fiscal year 1992.

NEW SECTION. Sec. 8. FOR THE STATE PATROL--FIELD OPERATIONS

BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 131,301,000

Motor Vehicle Fund--State Patrol Highway Account--

Federal Appropriation 3,033,000

TOTAL APPROPRIATION \$ 134,334,000

The appropriations in this section are subject to the following conditions and limitations: Any user of Washington state patrol aircraft shall pay its pro rata share of all operating and maintenance costs including capitalization.

NEW SECTION. Sec. 9. FOR THE STATE PATROL--SUPPORT SERVICES

BUREAU

Motor Vehicle Fund--State Patrol Highway Account--

State Appropriation \$ 52,914,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF

LICENSING--VEHICLE SERVICES

Motor Vehicle Fund--

State Appropriation \$ 47,105,000

General Fund--Marine Fuel Tax Refund Account--

State Appropriation	\$	25,000
General Fund--Wildlife Account--		
State Appropriation	\$	502,000
TOTAL APPROPRIATION	\$	47,632,000

The legislature recognizes the need to address issues remaining unresolved from the 1991 title and registration study required by the legislature and the governor. The intent of the legislature is to better align the fee structure with the costs associated with providing services for the state. Evidence from the 1991 study indicates inequities exist in cost recovery and/or profits realized between large and small county auditors and their subagents. Further, no policy exists regarding how counties treat excess revenues generated from providing this service. The Washington association of counties, the Washington association of county officials, representatives of the subagents, and the department of licensing, under the direction of the legislative transportation committee, shall report to the legislative transportation committee by December 1, 1991, their recommendations for resolving these policy issues and inequities.

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

General Fund--Public Safety and Education Account--		
State Appropriation	\$	4,388,000
Highway Safety Fund--State Appropriation	\$	48,376,000
Highway Safety Fund--Motorcycle Safety Education Account--		
State Appropriation	\$	884,000
TOTAL APPROPRIATION	\$	53,648,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT OPERATIONS

General Fund--Wildlife Account--		
State Appropriation	\$	47,000
Highway Safety Fund--State Appropriation	\$	4,796,000
Highway Safety Fund--Motorcycle		
Safety Education Account--State Appropriation	\$	95,000
Motor Vehicle Fund--State Appropriation	\$	4,424,000
General Fund--Public Safety and Education Account--		
State Appropriation	\$	418,000
TOTAL APPROPRIATION	\$	9,780,000

NEW SECTION. Sec. 13. FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

General Fund--Wildlife Account--State Appropriation	\$	56,000
Highway Safety Fund--State Appropriation	\$	3,506,000
Highway Safety Fund--Motorcycle Safety Education		
Account--State Appropriation	\$	58,000
Motor Vehicle Fund--State Appropriation	\$	5,961,000
General Fund--Public Safety and Education Account--		
State Appropriation	\$	252,000
TOTAL APPROPRIATION	\$	9,833,000

The appropriation for the licensing application migration project (LAMP) is conditioned upon compliance with the provisions of section 54 of this act.

NEW SECTION. Sec. 14. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

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

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

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

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

NEW SECTION. Sec. 15. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY COMMITTEE

Motor Vehicle Fund--

State Appropriation \$ 389,000

NEW SECTION. Sec. 16. FOR THE MARINE EMPLOYEES COMMISSION

Motor Vehicle Fund--Puget Sound Ferry Operations Account--

State Appropriation \$ 334,000

NEW SECTION. Sec. 17. FOR THE TRANSPORTATION COMMISSION

Transportation Fund--

State Appropriation \$ 1,500,000

NEW SECTION. Sec. 18. FOR THE AIR TRANSPORTATION COMMISSION

Transportation Fund--

State Appropriation \$ 553,000

NEW SECTION. Sec. 19. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Fund--

State Appropriation \$ 112,000

The appropriation in this section is null and void if House Bill No. 2140 is not enacted by September 1, 1991.

NEW SECTION. Sec. 20. FOR THE WASHINGTON STATE ENERGY OFFICE

Motor Vehicle Fund--State Appropriation \$ 203,000

Transportation Fund--State Appropriation \$ 750,000

TOTAL APPROPRIATION \$ 953,000

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF AGRICULTURE

\$209,000, or as much thereof as is necessary, is appropriated from the motor vehicle fund--state solely for the motor fuel quality testing program. Annual reports shall be submitted to the legislative transportation committee commencing January 15, 1992.

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM A

Motor Vehicle Fund--State Appropriation \$ 149,838,000

Motor Vehicle Fund--Federal Appropriation \$ 98,600,000

Motor Vehicle Fund--Local Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ 250,438,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category "A" under RCW 47.05.030. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed category "A" program update.

(2) The department shall study a highway heritage program to preserve Washington's unique scenic character along its highway corridors and provide travelers

with a continuing opportunity to appreciate and obtain information regarding unique natural, cultural, and historic features that are near or accessible by highways.

The department shall:

(a) Work with the parks and recreation commission, the Washington state historical society, the department of trade and economic development, and cities and counties to identify projects, establish priorities for expenditures of funds under this program, and recommend a strategy for implementing an ongoing program and sources of funding;

(b) Work with public and private landowners, local governments, and private organizations and associations to propose actions to achieve the purposes of this section without land acquisition, to the greatest extent possible, including coordination with local land use and open space plans, state agency programs relating to open space, conservation, urban forestry, and natural resources management;

(c) Study acquisition by purchase, gift, devise, bequest, grant, or exchange, title to or interest or right in real property adjacent to state highways to accomplish any of the following: Preserve natural beauty or viewpoints, preserve natural buffers between highways, or enhance the visual quality of entrances to cities or other land uses;

(d) Study provision of directional signs and signs with information regarding historical or cultural sites and significant natural features.

The department shall report its findings to the legislative transportation committee by December 1, 1992.

The appropriation to carry out the study in this subsection is provided in section 41 of this act and shall lapse unless \$10,000 is received from the department of trade and economic development by October 1, 1991.

(3) The department shall complete the six fish barrier removal projects identified as high priority by the department of fisheries. The department shall cooperate with the departments of fisheries and wildlife to identify, estimate costs of, and prioritize additional fish barrier removal projects on state highways.

NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY CONSTRUCTION--PROGRAM B

Motor Vehicle Fund--State Appropriation	\$	42,000,000
Motor Vehicle Fund--Federal Appropriation	\$	407,000,000
Motor Vehicle Fund--Local Appropriation	\$	8,000,000
TOTAL APPROPRIATION	\$	457,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category "B" under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations:

(1) \$42,000,000 of the motor vehicle fund--state appropriation includes a maximum of \$32,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.790 and 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) Should cash flow demands exceed the motor vehicle fund--federal appropriation, the motor vehicle fund--state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 and 47.10.790 not to exceed \$10,000,000 and it is understood that the department shall seek authority to expend unanticipated receipts for the federal portion.

(3) It is further recognized that the department may make use of federal cash flow obligations on interstate construction contracts in order to complete the interstate highway system as expeditiously as possible.

(4) It is the intent of the legislature that the department shall place special emphasis on delivering the HOV projects contained in the document dated March, 1991, entitled

"Puget Sound HOV Core Lane Needs: 2000". The department shall report progress on program delivery to the legislative transportation committee by November 1, 1991.

NEW SECTION. Sec. 24. Contained within the appropriations to the department of transportation, programs B and C, for HOV lanes, park and ride lots, and surveillance control and driver information systems that are components of the Puget Sound HOV core lane system are the following amounts: \$202,000,000 as requested by the department and the governor, and an additional \$15,000,000 provided by the legislature in section 67 of this act to expedite the completion of the system.

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--State Appropriation	\$	66,800,000
Transportation Fund--State Appropriation	\$	119,000,000
Motor Vehicle Fund--Federal Appropriation	\$	16,000,000
Motor Vehicle Fund--Local Appropriation	\$	4,000,000
TOTAL APPROPRIATION	\$	205,800,000

The appropriations in this section are provided for the location, design, right of way acquisition, and construction of state highway projects designated as category "C" under RCW 47.05.030.

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--Special Category C Account-- State Appropriation	\$	27,000,000
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The appropriation contained in this section is subject to the following conditions and limitations:

(1) By October 1, 1991, the department of transportation shall report to the legislative transportation committee on the various stages and funding assumptions on the first avenue south bridge, state route 18, and the north-south corridor in Spokane.

(2) Of the \$27,000,000 appropriation contained in this section: Up to \$12,000,000 is provided for SR 18, up to \$11,000,000 is provided for 1st avenue south bridge, and up to \$4,000,000 is provided for the north-south corridor in Spokane: PROVIDED, That the department may transfer moneys between projects after consultation with the legislative transportation committee.

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY CONSTRUCTION--PROGRAM C

Motor Vehicle Fund--Puyallup Tribal Settlement Account--State Appropriation	\$	3,450,000
Motor Vehicle Fund--Puyallup Tribal Settlement Account--Federal Appropriation	\$	2,550,000
TOTAL APPROPRIATION	\$	6,000,000

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D

Motor Vehicle Fund--State Appropriation	\$	39,302,000
Motor Vehicle Fund--Transportation Capital Facilities Account--State Appropriation	\$	33,149,000
TOTAL APPROPRIATION	\$	72,451,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,700,000 of the transportation capital facilities account--state appropriation is contingent upon the sale of bonds authorized in RCW 47.02.120.

(2) The transportation capital facilities account--state appropriation will be funded by a state treasurer revenue transfer of \$31,449,000 from the motor vehicle fund to the transportation capital facilities account.

(3) No later than August, 1991, the department shall present a comprehensive plan to the legislative transportation committee for creation of an urban mobility office including recommendations on HOV programs, growth management, the freeway and arterial management effort (FAME), and other associated programs or activities. The plan shall include recommended methods for quantifying reductions in congestion.

**NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF TRANSPORTATION--
AERONAUTICS--PROGRAM F**

General Fund--Aeronautics Account--State		
Appropriation	\$	3,083,000
General Fund--Aeronautics Account--Federal		
Appropriation	\$	283,000
TOTAL APPROPRIATION	\$	3,366,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program.

**NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF TRANSPORTATION--
SEARCH AND RESCUE--PROGRAM F**

General Fund--Search and Rescue Account--		
State Appropriation	\$	126,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

**NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF TRANSPORTATION--
COMMUNITY ECONOMIC REVITALIZATION--PROGRAM G**

Motor Vehicle Fund--Economic Development Account--		
State Appropriation	\$	5,000,000

The appropriation in this section is funded with the proceeds from the sale of bonds authorized by RCW 47.10.801 and is provided for improvements to the state highway system necessitated by planned economic development.

**NEW SECTION. Sec. 32. FOR THE DEPARTMENT OF TRANSPORTATION--
NONINTERSTATE BRIDGES--PROGRAM H**

Motor Vehicle Fund--State Appropriation	\$	53,200,000
Motor Vehicle Fund--Federal Appropriation	\$	52,400,000
Motor Vehicle Fund--Local Appropriation	\$	1,000,000
TOTAL APPROPRIATION	\$	106,600,000

The appropriations in this section are provided to preserve the structural and operating integrity of existing bridges. It is the intent of the legislature that this appropriation does not commit the legislature to the transportation commission's proposed twenty-year bridge program.

**NEW SECTION. Sec. 33. FOR THE DEPARTMENT OF TRANSPORTATION--
HIGHWAY MAINTENANCE AND OPERATIONS--PROGRAM M**

Motor Vehicle Fund--State Appropriation	\$	215,160,000
Motor Vehicle Fund--Local Appropriation	\$	750,000
TOTAL APPROPRIATION	\$	215,910,000

The department shall place emphasis on the development and construction of rest areas. The department shall establish criteria for prioritizing rest area construction state-wide. The department shall report the criteria and priority array to the legislative transportation committee by August 1, 1991.

The department may, as part of its regular maintenance program, begin correcting existing fish passage barriers.

**NEW SECTION. Sec. 34. FOR THE DEPARTMENT OF TRANSPORTATION--
SALES AND SERVICES TO OTHERS--PROGRAM R**

Motor Vehicle Fund--State Appropriation	\$	1,370,000
Motor Vehicle Fund--Federal Appropriation	\$	58,400,000
Motor Vehicle Fund--Local Appropriation	\$	8,483,000
TOTAL APPROPRIATION	\$	68,253,000

**NEW SECTION. Sec. 35. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

Transportation Fund--State Appropriation	\$	700,000
Motor Vehicle Fund--Puget Sound Capital Construction Account--State Appropriation	\$	465,000
Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation	\$	885,000
Motor Vehicle Fund--State Appropriation	\$	33,770,000
TOTAL APPROPRIATION	\$	35,820,000

The appropriations in this section are subject to the following conditions and limitations: The legislature directs that a joint study be conducted by the office of financial management, the department of personnel, and the Washington state department of transportation to determine whether the current services rendered by the department of personnel on issues relating to employee recruitment, retention, education, and training are sufficient. Findings of the study shall be reported to the legislative transportation committee by December 1, 1991, and shall include but not be limited to recommendations as to who is responsible for performing these services.

**NEW SECTION. Sec. 36. FOR THE DEPARTMENT OF TRANSPORTATION--
PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION--PROGRAM T**

For public transportation and rail programs:

Transportation Fund--State Appropriation	\$	8,295,000
Transportation Fund--Federal/Local Appropriation	\$	5,518,000
High Capacity Transportation Account-- State Appropriation	\$	15,640,000

For planning and research:

Motor Vehicle Fund--State Appropriation	\$	17,830,000
Motor Vehicle Fund--Federal Appropriation	\$	9,000,000
TOTAL APPROPRIATION	\$	56,283,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By December 15, 1991, the department of transportation, in cooperation with local units of government and Amtrak, shall submit to the legislative transportation committee a program to improve Amtrak services in Washington. Upon submittal and approval of the program recommendations by the legislative transportation committee, the department may expend the amount provided from the transportation fund--state for program implementation. The program may include but is not limited to the following:

(a) Improvements to tracks, grade crossings, and signal systems necessary to increase operating speeds. In developing these recommendations, the department shall involve the utilities and transportation commission and other affected state and local agencies;

(b) Station improvements;

(c) Resumption of service between Seattle, Washington, and Vancouver, British Columbia; and

(d) New or additional service on other routes for which there is adequate demand and reasonable opportunity for cost recovery.

(2) Funds are provided for acquisition of rail rights of way under RCW 47.76.140: PROVIDED, That funds expended for the Stampede Pass corridor connecting Ravensdale in King County and Cle Elum in Kittitas County may be expended only if the corridor is acquired jointly with the city of Tacoma. The department shall enter into an agreement with the City of Tacoma to develop appropriate restrictions on the use of the right of way designed to protect Tacoma's Green River water supply. Following acquisition, the department may not expend or authorize the expenditure of funds for improvements to tracks, bridges, and associated elements without prior legislative approval. Funds may be expended for necessary maintenance and preservation, such as fire and weed control. This appropriation shall lapse if \$1,100,000 is not reappropriated for the purchase of corridors from the essential rail banking account.

(3) Moneys in this appropriation for the Spokane intermodal transportation center may be expended only after the Washington state transportation commission has received funding commitments from all other project participants.

(4) Of the amount provided for regional transportation planning organizations, funds not allocated to such organizations may be used for a discretionary grant program for special regional planning projects, to be administered by the department of transportation.

(5) The amount provided for implementation of the universal bus pass program at the University of Washington shall be expended solely for one-time infrastructure costs for modification of roads to accommodate buses, modification of parking facilities, bus shelters, security lighting for night shuttle programs, and bike storage facilities. It is the intent of the legislature that comparable comprehensive programs be developed in the near future for all universities and colleges within the greater Seattle area. To that end, Metro, community transit and Pierce transit, and Seattle area colleges and universities shall work together and submit a plan to the legislative transportation committee identifying potential services, costs and implementation schedules. The plan shall be submitted by November 1992.

NEW SECTION. Sec. 37. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Fund--State Appropriation	\$	19,438,361
Motor Vehicle Fund--Puget Sound Ferry Operations		
Account--State Appropriation	\$	2,000,000
TOTAL APPROPRIATION	\$	21,438,361

The appropriations in this section are to provide for costs billed to the department for the services of other state agencies as follows:

- (1) Archives and records management, \$257,763;
- (2) Attorney general tort claims support, \$5,500,000;
- (3) Office of the state auditor audit services, \$883,366;
- (4) Department of general administration facilities and services charges, \$2,597,769;
- (5) Department of personnel services, \$2,368,949;
- (6) Self-insurance liability premium, \$7,220,514 and administration, \$610,000; and
- (7) Marine division self-insurance liability premium and administration, \$2,000,000.

NEW SECTION. Sec. 38. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE CONSTRUCTION--PROGRAM W

Motor Vehicle Fund--Puget Sound Capital Construction		
Account--State Appropriation	\$	107,324,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Federal Appropriation	\$	16,937,000
Motor Vehicle Fund--Puget Sound Capital Construction		
Account--Private/Local Appropriation	\$	1,500,000
TOTAL APPROPRIATION	\$	125,761,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major

and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided to carry out only the projects in the department of transportation's 1991-93 biennial budget request dated March 1991, as approved by the transportation commission. The department of transportation shall revise these projects to reconcile them with the 1989-91 actual expenditures within sixty days of the beginning of the biennium. The department shall also reevaluate such projects, based on the findings and recommendations of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs, and, if appropriate, make the necessary project revisions, after consultation with the legislative transportation committee, prior to September 1, 1991.

The Puget Sound capital construction account--state appropriation includes the reappropriation of \$18,965,000 and \$15,000,000 in proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the department of transportation may use current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

The appropriation in this section contains an amount for prerefurbishment inspections as identified in Recommendation 8 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs.

The Puget Sound capital construction account--state appropriation includes \$1,082,000 to be expended solely for the design of a jumbo class automobile ferry vessel.

The department shall consult the legislative transportation committee regarding the expenditure of moneys appropriated in this section and shall provide the committee with a monthly report concerning the status of the capital program authorized in this section.

\$300,000 of the Puget Sound capital construction account--state appropriation is provided to implement Recommendation Numbers 7 and 19 of the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. Of that amount \$200,000 is provided for implementing a formal hazardous materials program and \$100,000 is provided for audiogauge steel testing.

The department of transportation shall establish a task force to assess and oversee the implementation of the recommendations contained in the April 5, 1991, Final Report by Booz.Allen, Hamilton and M. Rosenblatt and Son, Inc. on the Washington State Ferries' Vessel Refurbishment Programs. The task force shall be comprised of department of transportation management, representatives of Washington state ferry system employee organizations, the shipbuilding industry, the legislative transportation committee, and any other entity or individual as deemed appropriate by the department. The task force shall provide a progress report to the legislative transportation committee by December 1, 1991.

NEW SECTION. Sec. 39. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Marine Operating Fund--State Appropriation \$ 204,767,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The marine operating fund is hereby created in the state treasury.

To fund the appropriations in this act, the department shall transfer operating subsidies from the Puget Sound ferry operations account and ferry user revenues from the ferry system revolving account to the marine operating fund.

The department shall transfer moneys from the ferry system revolving account to the marine operating fund so as to minimize the need for revenues from the Puget Sound ferry operations account during June of each respective fiscal year in support of the

expenditures necessary for the operation and maintenance of the state ferry system as authorized in this section.

(2) The appropriation is based on the budgeted expenditure of \$24,562,547 for vessel operating fuel in the 1991-93 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount shall not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(3) The appropriation contained in this section provides for the compensation of ferry employees, including increases. The expenditures for compensation paid to ferry employees during the 1991-93 biennium shall not exceed \$135,862,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$256.07 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for salary increases during the 1991-93 biennium, and a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges and cost of living allowances. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2). Of the \$135,862,000 provided for compensation, plus the prescribed insurance benefit, pension, and salary increase dollar amount:

(a) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective January 1, 1992;

(b) The maximum dollar amount that shall be allocated from the governor's compensation salary appropriation is in addition to the appropriation contained in this section and shall be used to maintain any 1991-92 compensation increase and may be used to increase compensation costs, effective January 1, 1993.

In no event may the June 30, 1992, hourly salary rate increase exceed any average hourly salary rate increase granted during the 1991-92 fiscal year.

In no event may the June 30, 1993, hourly salary rate increase exceed any salary rate increase granted during the 1992-93 fiscal year.

(c) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1991;

(d) The prescribed insurance benefit increase dollar amount that shall be allocated from the governor's compensation insurance benefits appropriation is in addition to the appropriation contained in this section and may be used to increase compensation costs, effective July 1, 1992.

(4) The intent of the legislature is to eliminate the current passenger-only service between Seattle and Bremerton. The transportation commission is responsible for evaluating other potential passenger-only routes and determining the location of a new passenger-only route. The transfer of the Seattle/Bremerton passenger-only vessel to a new route should be implemented as soon as it is feasible.

(5) The appropriation in this section includes \$1,091,290 for an additional eight-hour automobile ferry service between Seattle and Bremerton during the 1992-93 fiscal period commencing with the elimination of the passenger only service.

(6) The department of transportation shall provide the legislative transportation committee with a monthly report concerning the status of the operating program authorized in this section.

(7) The transportation commission is directed to continue its evaluation of passenger-only vessel designs capable of providing high speed service between Seattle and

Bremerton. The commission shall provide the legislative transportation committee with a report concerning the status of the evaluation by September 30, 1991.

NEW SECTION. Sec. 40. In addition to the appropriation authority contained in section 39 of this act for program X, the marine division may expend up to \$500,000 from the marine operating fund for unprogrammed expenditures after consultation with the legislative transportation committee.

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z

Motor Vehicle Fund--State Appropriation	\$	11,132,000
Motor Vehicle Fund--Federal Appropriation	\$	95,300,000
Motor Vehicle Fund--Local Appropriation	\$	10,000,000
TOTAL APPROPRIATION	\$	116,432,000

(1) The appropriations in this section include \$3,150,000 from the motor vehicle fund--state appropriation for transportation expenditures related to the United States navy home port in Everett.

(2) The appropriations contain \$309,000 of state funds from the proceeds of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951; chapter 311, Laws of 1955; and chapter 121, Laws of 1965 for reimbursable expenditures on cooperative projects authorized by state or federal laws. If these moneys are not expended during 1991-93, this appropriation shall revert to the motor vehicle fund.

NEW SECTION. Sec. 42. FOR THE DEPARTMENT OF TRANSPORTATION--SUPPORTIVE SERVICES--PROGRAM 090

Motor Vehicle Fund--State Appropriation	\$	169,000
General Fund--Federal Appropriation	\$	400,000
TOTAL APPROPRIATION	\$	569,000

The appropriations in this section are provided for support services to on-the-job training programs for minority construction workers and for minority contractors' training programs.

NEW SECTION. Sec. 43. FOR THE DEPARTMENT OF TRANSPORTATION Motor Vehicle Fund--RV Account--State Appropriation

Transfer:

For transfer to the Motor Vehicle Fund	\$	800,000
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The appropriation transfer in this section is provided for the construction and maintenance of recreation vehicle sanitary disposal systems at rest areas on the state highway system.

NEW SECTION. Sec. 44. FOR THE DEPARTMENT OF TRANSPORTATION Motor Vehicle Fund--State Appropriation

Transfer:

For transfer to the Advance Right of Way Revolving Fund	\$	10,000,000
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The appropriation transfer in this section is null and void if House Bill No. 1992 is not enacted by September 1, 1991.

NEW SECTION. Sec. 45. It is the intent of the legislature that the amounts assumed in this act for all revolving funds for services provided to the Washington state patrol and department of licensing by other agencies, including the department of personnel service fund for personnel services, the legal services revolving fund for tort claim administration costs and other legal costs, the audit services revolving fund for audits, and the archives and records management account for archiving, storage, and records management services, shall not be exceeded without prior approval of the legislative transportation committee.

Sec. 46. RCW 46.68.110 and 1989 1st ex.s. c 6 s 41 are each amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) ~~((From July 1, 1989, through June 30, 1991, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;~~

(4)) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 47. RCW 46.68.120 and 1989 1st ex.s. c 6 s 42 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such funds shall be deducted monthly as such funds accrue and set aside for the use of the department of transportation and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) ~~((From July 1, 1987, through June 30, 1989,))~~ Thirty-three one-hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;

(4) ~~((From July 1, 1989, through June 30, 1991, thirty three one hundredths of one percent of such funds shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the counties' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to the deductions made;~~

(5)) The balance of such funds remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, in accordance with RCW 46.68.122 and 46.68.124.

NEW SECTION. Sec. 48. The motor vehicle fund revenues are received at a relatively even flow throughout the year. Expenditures exceed the revenue during the accelerated summer and fall highway construction season, creating a negative cash balance during the heavy construction season. Negative cash balances also may result from the use of state funds to finance federal advance construction projects prior to conversion to federal funding. The legislature recognizes that the department of transportation may require interfund loans or other short-term financing to meet temporary seasonal cash requirements and additional cash requirements to fund federal advance construction projects.

NEW SECTION. Sec. 49. In addition to such other appropriations as are made by this act, there is appropriated to the department of transportation from legally available bond proceeds in the respective construction or building accounts such amounts as are necessary to pay the expenses incurred by the state finance committee in the issuance and sale of the section bonds.

NEW SECTION. Sec. 50. FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSFER

Motor Vehicle Fund--Highway Construction

Stabilization Account Transfer: For
transfer to the Motor Vehicle Fund \$ 100,000,000

The appropriation transfer in this section is provided for expenditures pursuant to RCW 46.68.200.

NEW SECTION. Sec. 51. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

NEW SECTION. Sec. 52. (1) Any public agency including but not limited to transit agencies, cities, counties, and the state department of transportation, awarded contracts from counties or transit agencies for the construction of high occupancy vehicle lanes and related facilities shall use such moneys in addition to, and not as a substitute for, moneys currently used, or planned to be used, for high occupancy vehicle lanes by the public agency receiving the award.

(2) Cities, counties, transit agencies, and the state department of transportation having within their boundaries a portion of the existing or planned high occupancy vehicle system contained in the document dated March 1991, entitled "Puget Sound HOV Core Lane Needs: 2000", shall coordinate programming and operational decisions affecting the high occupancy vehicle system.

NEW SECTION. Sec. 53. To maximize the use of motor vehicle fund revenues, it is the intent of the legislature to encourage sharing of technology, information, and systems where appropriate between transportation agencies.

To facilitate this exchange, the Washington state department of transportation assistant secretary for finance and budget management; Washington state department of transportation chief for management information systems; the Washington state patrol deputy chief, chief of staff; Washington state patrol manager of the computer services division; the department of licensing deputy director and department of licensing assistant director for information systems will meet quarterly to share plans, discuss progress of key projects and to coordinate activities for the common good. Minutes of these meetings will be distributed to the respective agency heads and the legislative transportation

committee. Washington state department of transportation will provide staff support and meeting coordination.

NEW SECTION. Sec. 54. Agencies shall comply with the following requirements regarding information technology projects if directed to do so by specific appropriation proviso within this act. In addition to these provisos agencies shall comply with all department of information services requirements.

It is the intent of the legislature that information technology projects in state government be managed and completed successfully. Information technology projects should be divided into distinct phases. Each phase of a project should be successfully completed before subsequent phases are commenced, unless an alternative plan is approved by the department of information services, office of financial management, and legislative transportation committee. In addition to the post-implementation review, reviews using oversight and quality assurance measures are to be conducted throughout the project.

The legislature, with recommendations from department of information services and office of financial management, should evaluate each project's scope, duration, and risk in determining whether appropriations should be for a fiscal year or a biennium, and whether specific phases or the entire project can be accomplished within a specified time period.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services, the office of financial management, and the legislative transportation committee as appropriate.

(1) Scoping process phase. Prior to requesting moneys from the legislature, or as a condition of receiving an appropriation for planning or development of information technology projects, an agency shall complete a project scoping process. The scoping process shall detail the key issues to be addressed by the information technology project. The scoping process shall precede the feasibility study.

The scoping process must define the project's scope; key issues, including business, management, technical and other issues; major objectives; project justifications; project approach; and answer by a test of reasonableness that the project is feasible. The purpose of the scoping process is to provide the legislature, office of financial management, and the department of information services with the high level information that is needed to grant approval to proceed with the project.

(2) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements such studies shall examine and evaluate the costs and benefits of maintaining the status quo, and of the proposed project. The study shall identify if and in what amounts any fiscal savings, costs, and benefits will occur, and what programs or fund sources will be affected. Benefits of information technology projects shall not be limited to fiscal savings, but may include improvements in service delivery by the agency to the citizens of the state. The feasibility study in this section shall be accompanied by the project management plan described in subsection (3) of this section.

(3) The project management plan shall document how the agency will manage the project identified in the feasibility study. The plan shall be an evolving document. Each subsequent phase of the project shall have an updated project management plan submitted as a prerequisite for approval to begin the next phase.

The project management plan shall cover all factors critical to the entire project and shall specifically address management plans for successfully completing the subsequent phase. The project management plan shall address all factors critical to the overall project, including, but not limited to, the following elements:

(a) Project organization: Define agency executive personnel accountable for project success; define oversight and management committee structures; identify key personnel including key positions that are not yet filled; address staffing requirements, including backfilling requirements; and other key resources needed for successful project implementation.

(b) A description of scope change and cost control procedures.

(c) A risk assessment and risk mitigation plan.

(d) A description of project oversight monitoring and quality assurance procedures.

(e) A project workplan: Explaining the appropriately defined phases, key management decision points, scheduling of other activities, and estimated costs for the next phase or phases to be conducted in a specified time period.

(4) Prior to reaching key decision points identified in the relevant project management plan a project status report shall be submitted to the department of information services, the office of financial management, and the legislative transportation committee for each project. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

(5) In instances where a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of information technology projects. Copies of written project review reports shall be forwarded to the office of financial management and the legislative transportation committee by the agency.

(6) The agency and the department of information services shall provide the legislative transportation committee and the office of financial management with a written bi-monthly project oversight and risk assessment report for each project that has a specific proviso under this section. The report shall include, but not be limited to, the following: Project name, agency undertaking the project, a description of the project, key project activities during the next sixty to ninety days, base-line cost data, costs to date, schedule to date, risk assessments, risk management, and recommendations.

(7) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, post-implementation reports shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of post-implementation review reports shall be provided to the department of information services, the office of financial management, and the legislative transportation committee.

(8) Where major variances in project scope, cost, or risk occur, the sponsoring agency shall inform the department of information services of the change. The director of the sponsoring agency and the director of the department of information services shall jointly report such findings in writing to the legislative transportation committee and office of financial management. A major variance is defined as a budget change in excess of \$1,000,000 or ten percent, whichever is lower; an increase in risk category to high; or a change in scope that could result in major change in budget or risk.

NEW SECTION. Sec. 55. The department of transportation shall identify and coordinate all growth management functions. Such functions shall cease to exist on June 30, 1995.

NEW SECTION. Sec. 56. The attorney general shall prepare by December 31 of each year, a report to the legislative transportation committee comprising a comprehensive summary of all cases involving tort claims against the department of transportation involving highways that were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefore; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

NEW SECTION. Sec. 57. FOR THE WASHINGTON STATE PATROL--CAPITAL

As used in this section, "St Patrol Hiwy Acct" means the State Patrol Highway Account.

- (1) Design and construct WSP/DOL district offices-Tacoma (90-2-013)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		5,413,000
Motor Vehicle Acct--State		924,000
Highway Safety Fund--State		924,000
Total Appropriation		7,261,000

Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/91	Thereafter	
750,000		8,011,000

- (2) Design new agency headquarters-Olympia (90-2-040)

	Reappropriation	Appropriation
St Patrol Hiwy Acct		3,481,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/91 and	Costs
6/30/91	Thereafter	
250,000		40,250,000

The appropriation in this subsection is provided solely for the design of the Washington state patrol headquarters facility. The agency shall submit written status reports to the legislative transportation committee by September 30, 1991, and January 1, 1992.

- (3) Complete Construction District Headquarters-Everett

(90-2-018)

St Patrol Hiwy Acct	Reappropriation 3,200,000	Appropriation
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
300,000	3,200,000	3,500,000

(4) Replace underground storage tanks-Ten locations (92-1-002)

St Patrol Hiwy Acct	Reappropriation	Appropriation 1,656,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
376,000		2,032,000

(5) Minor works (92-2-004)

St Patrol Hiwy Acct	Reappropriation	Appropriation 435,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
1,654,000	759,200	2,848,200

(6) Property acquisition for communications site-Maple Falls (92-2-0064)

St Patrol Hiwy Acct	Reappropriation	Appropriation 17,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
		17,000

(7) BAW FAW replacement communication tower (92-2-010)

St Patrol Hiwy Acct	Reappropriation	Appropriation 234,000
Project Costs Through 6/30/91	Estimated Costs 7/1/91 and Thereafter	Estimated Total Costs
		234,000

The state patrol and the department of licensing shall coordinate their activities when siting facilities. This coordination shall result in the colocation of driver and vehicle licensing and vehicle inspection service facilities whenever possible.

The department and state patrol shall explore alternative state services, such as vehicle emission testing, that would be feasible to colocate in these joint facilities. The department and state patrol shall reach agreement with the department of transportation for the purposes of offering department of transportation permits at these one-stop transportation centers. All services provided by the department or the state patrol at these transportation service facilities shall be provided at cost to the participating agencies.

In those instances where the community need or the agencies needs do not warrant colocation this proviso shall not apply.

NEW SECTION. Sec. 58. It is the intent of the legislature that a four range, or approximately ten percent, salary increase be effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.

NEW SECTION. Sec. 59. A new section is added to chapter 46.68 RCW to read as follows:

The state patrol equipment account is created in the state treasury. The account shall be used solely to finance the acquisition and replacement of equipment to be used for state patrol highway-related activities.

(1) All equipment capitalized by the account shall be subject to annual use and depreciation costs in an amount that will recover a replacement value by the time the life cycle has expired for a particular piece of equipment. The account shall be an internal service fund subject to legislative appropriation.

(2) Use and depreciation costs shall be charged to all users of Washington State Patrol equipment, except in those circumstances where the chief of the state patrol deems it necessary to waive those charges.

(3) The state patrol shall propose a replacement schedule and the rate for use, for all equipment to be included in the account.

(4) The state patrol shall report to the legislative transportation committee and the office of financial management by December 1, 1991, on the alternatives for the inclusion of different types of equipment to be included in the state patrol equipment account and on financing alternatives.

NEW SECTION. Sec. 60. The speaker of the house of representatives and the president of the senate shall appoint a joint select committee composed of sixteen members of the legislature, to make recommendations to the legislature regarding the public safety and education account. Membership shall include four legislators from senate ways and means, two from house appropriations, two from house revenue, and four each from the senate and house transportation committees. Efforts shall be made to insure that appointments to the committee shall include members who also serve on the house judiciary committee and the senate law and justice committee. The joint select committee shall be chaired by the chair of the legislative transportation committee.

The committee shall, at a minimum, make recommendations as to the following issues: The percentages by which public safety and education account revenues shall be split between the general fund and transportation budgets; the programs that shall be eligible for public safety and education account appropriations; the budget from which each eligible program shall receive its public safety and education account funding, in particular, the superintendent of public instruction driver training program; and any new accounts into which revenue shall be deposited to accommodate the agreed upon revenue split. The committee may consider any other issues it deems appropriate. The committee's recommendations shall be drafted into legislation for approval in the 1992

legislative session and shall be submitted to the legislature by December 15, 1991. The recommendations contained in the legislation shall take effect on July 1, 1993.

Sec. 61. RCW 47.76.040 and 1991 c 363 s 126 are each amended to read as follows:

The department shall sell property acquired under RCW ((47.76.030)) 47.76.140 to a county rail district established under chapter 36.60 RCW, a county, a port district, or any other public or private entity authorized to operate rail service. Any public or private entity which originally donated funds to the department pursuant to RCW ((47.76.030)) 47.76.140 shall receive credit against the purchase price for the amount donated to the department, less management costs, in the event such public or private entity purchases the property from the department.

If no county rail district, county, port district, or other public or private entity authorized to operate rail service offers to purchase such property within six years after its acquisition by the department, the department may sell such property in the manner provided in RCW 47.76.050. Failing this, the department may sell or convey all such property in the manner provided in RCW 47.76.060 or 47.76.080.

Sec. 62. RCW 47.76.050 and 1985 c 432 s 4 are each amended to read as follows:

(1) If real property acquired by the department under RCW ((47.76.030)) 47.76.140 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may sell the property at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner, heir, or successor of the property from whom the property was acquired;
- (e) Any abutting private owner or owners.

(2) Notice of intention to sell under this section shall be given by publication in one or more newspapers of general circulation in the area in which the property is situated not less than thirty days prior to the intended date of sale.

(3) Sales to purchasers may at the department's option be for cash or by real estate contract.

(4) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

Sec. 63. RCW 47.76.060 and 1985 c 432 s 5 are each amended to read as follows:

If real property acquired by the department under RCW ((47.76.030)) 47.76.140 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may transfer and convey the property to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state when, in the judgment of the secretary, the transfer and conveyance is consistent with the public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, the secretary shall execute and deliver to the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as necessary to fulfill the terms of the agreement. All moneys paid to the state of Washington under this section shall be deposited in the essential rail assistance account of the general fund.

Sec. 64. RCW 47.76.070 and 1985 c 432 s 6 are each amended to read as follows:

The department is authorized subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands acquired under RCW ((47.76.030)) 47.76.140, upon such terms and conditions as the department determines.

Sec. 65. RCW 47.76.080 and 1985 c 432 s 7 are each amended to read as follows:

(1) If real property acquired by the department under RCW ((47.76.030)) 47.76.140 is not sold to a public or private entity authorized to operate rail service within six years of its acquisition by the department, the department may, in its discretion, sell the property at public auction in accordance with subsections (2) through (5) of this section.

(2) The department shall first give notice of the sale by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks before the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) In accordance with the terms set forth in the notice, the department shall sell the property at the public auction to the highest and best bidder if the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property may be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property under this subsection shall be in writing and may be rejected at any time before written acceptance by the department.

(5) Conveyances made under this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(6) All moneys received under this section shall be deposited in the essential rail assistance account of the general fund.

Sec. 66. RCW 47.76.090 and 1985 c 432 s 8 are each amended to read as follows:

Transfers of ownership of property acquired under RCW ((47.76.030)) 47.76.140 are exempt from chapters 8.25 and 8.26 RCW.

Sec. 67. RCW 46.61.165 and 1984 c 7 s 65 are each amended to read as follows:

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. For lanes so designated on the main line of limited access freeways, the required number of occupants in private motor vehicles, other than motorcycles, will be two. If the operating condition of a restricted lane falls below level of service "C" during peak hours for a period of twelve continuous months, as verified by the department, the number of occupants required during peak hours shall be increased to maintain an operating condition of level of service "C". The department shall report any changes in vehicle occupancy requirements to the legislative transportation committee. There is hereby appropriated from the transportation fund--state to the department of transportation, program C for the period ending June 30, 1993, an additional \$15 million for the sole purpose of expediting completion of the HOV core lane system. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. The department shall evaluate the efficacy of the vehicle occupancy requirements and shall report to the legislative transportation committee by January 1, 1992.

Sec. 68. RCW 81.104.100 and 1991 c 318 s 9 are each amended to read as follows:

To assure development of an effective high capacity transportation system, local authorities shall follow the following planning process:

(1) Regional, multimodal transportation planning is the ongoing urban transportation planning process conducted in each urbanized area by its regional transportation planning organization. During this process, regional transportation goals are identified, travel patterns are analyzed, and future land use and travel are projected. The process provides a comprehensive view of the region's transportation needs but does not select specified modes to serve those needs. The process shall identify a priority corridor or corridors for further study of high capacity transportation facilities if it is deemed feasible by local officials.

(2) High capacity transportation system planning is the detailed evaluation of a range of high capacity transportation system options, including: Do nothing, low capital, and ranges of higher capital facilities. To the extent possible this evaluation shall take into account the urban mass transportation administration's requirements identified in subsection (3) of this section.

High capacity transportation system planning shall proceed as follows:

(a) Organization and management. The responsible local transit agency or agencies shall define roles for various local agencies, review background information, provide for public involvement, and develop a detailed work plan for the system planning process.

(b) Development of options. Options to be studied shall be developed to ensure an appropriate range of technologies and service policies can be evaluated. A do-nothing option and a low capital option that maximizes the current system shall be developed. Several higher capital options that consider a range of capital expenditures for several candidate technologies shall be developed.

(c) Analysis methods. The local transit agency shall develop reports describing the analysis and assumptions for the estimation of capital costs, operating and maintenance costs, methods for travel forecasting, a financial plan and an evaluation methodology.

(d) The system plan submitted to the voters pursuant to RCW ((81.04.140)) 81.04.140 shall address, but is not limited to the following issues:

(i) Identification of level and types of high capacity transportation services to be provided;

(ii) A plan of high occupancy vehicle lanes to be constructed;

(iii) Identification of route alignments and station locations with sufficient specificity to permit calculation of costs, ridership, and system impacts;

(iv) Performance characteristics of technologies in the system plan;

(v) Patronage forecasts;

(vi) A financing plan describing: Phasing of investments; capital and operating costs and expected revenues; cost-effectiveness represented by a total cost per system rider and new rider estimate; estimated ridership and the cost of service for each individual high capacity line; and identification of the operating revenue to operating expense ratio.

The financing plan shall specifically differentiate the proposed use of funds between high capacity transportation facilities, high occupancy vehicle facilities, and expanded local/feeder service;

(vii) Description of the relationship between the high capacity transportation system plan and adopted land use plans;

(viii) An assessment of social, economic, and environmental impacts; and

(ix) Mobility characteristics of the system presented, including but not limited to: Qualitative description of system/service philosophy and impacts; qualitative system reliability; travel time and number of transfers between selected residential, employment, and activity centers; and system and activity center mode splits.

(3) High capacity transportation project planning is the detailed identification of alignments, station locations, equipment and systems, construction schedules, environmental effects, and costs. High capacity transportation project planning shall proceed as follows: The local transit agency shall analyze and produce information

needed for the preparation of environmental impact statements. The impact statements shall address the impact that development of such a system will have on abutting or nearby property owners. The process of identification of alignments and station locations shall include notification of affected property owners by normal legal publication. At minimum, such notification shall include notice on the same day for at least three weeks in at least two newspapers of general circulation in the county where such project is proposed. Special notice of hearings by the conspicuous posting of notice, in a manner designed to attract public attention, in the vicinity of areas identified for station locations or transfer sites shall also be provided.

In order to increase the likelihood of future federal funding, the project planning processes shall follow the urban mass transportation administration's requirements as described in "Procedures and Technical Methods for Transit Project Planning", published by the United States department of transportation, urban mass transportation administration, September 1986, or the most recent edition. Nothing in this subsection shall be construed to preclude detailed evaluation of more than one corridor in the planning process.

The department of transportation shall provide system and project planning review and monitoring in cooperation with the expert review panel identified in RCW 81.104.110. In addition, the local transit agency shall maintain a continuous public involvement program and seek involvement of other government agencies.

NEW SECTION. Sec. 69. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 70. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.110, 46.68.120, 47.76.040, 47.76.050, 47.76.060, 47.76.070, 47.76.080, 47.76.090, 46.61.165, and 81.104.100; adding a new section to chapter 46.68 RCW; creating new sections; and declaring an emergency." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Ms. R. Fisher moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1231.

Representatives R. Fisher, Betzoff and Nelson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1231 as amended by the Senate.

Representatives R. Fisher and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1231 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 90, Nays - 1, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Belcher, Betrozoff, Bowman, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Grant, Hargrove, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representative Brekke - 01.

Excused: Representatives Beck, Braddock, Haugen, Heavey, Peery, Sprengle, Wineberry - 07.

Engrossed Substitute House Bill No. 1231 as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4716, by Representatives Betrozoff and Ferguson

WHEREAS, Community involvement and leadership is a necessity to growing, healthy communities; and

WHEREAS, The Leadership Redmond program is sponsored by the Greater Redmond Chamber of Commerce and the City of Redmond to foster leadership and issues awareness in the community; and

WHEREAS, The Leadership Redmond program graduated twenty-eight people in its initial year; and

WHEREAS, Leadership Redmond participants are currently pursuing projects that will directly impact the quality of life in the greater Redmond community; and

WHEREAS, The Leadership Redmond program is an innovative and cooperative effort that will continue to motivate and train skilled professionals to become effective community leaders;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and support the Leadership Redmond program as vital to the continual development of quality community leadership in the greater Redmond area; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Greater Redmond Chamber of Commerce and the Leadership Redmond program.

Mr. Betrozoff moved adoption of the resolution. Representatives Betrozoff and Ferguson spoke in favor of the resolution.

House Resolution No. 91-4716 was adopted.

The Speaker resumed the Chair.

MOTION

Mr. Dorn moved that the House immediately resume consideration of Engrossed Substitute Senate Bill No. 5996 on the regular second reading calendar. The motion was carried. (For previous action, see today's Journal.)

ENGROSSED SUBSTITUTE SENATE BILL NO. 5996, by Senate Committee on Law & Justice (originally sponsored by Senators Nelson, Rasmussen and Johnson)

Making adjustments to child support guidelines.

MOTION FOR RECONSIDERATION

Ms. Franklin, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendments on pages 7, 8, 10 and 11 by Representative Padden to Engrossed Substitute Senate Bill No. 5996 were adopted by the House.

Representatives Padden and Hargrove spoke against the motion, and Representatives Appelwick and R. King spoke in favor of it.

The Speaker stated the question before the House to be the motion by Representative Franklin to reconsider the vote by which the amendments on pages 7, 8, 10 and 11 by Representative Padden to Engrossed Substitute Senate Bill No. 5996 were adopted by the House.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 52, Nays - 38. The motion was carried.

RECONSIDERATION

The Speaker stated the question before the House to be adoption of the amendments on pages 7, 8, 10 and 11 by Representative Padden to Engrossed Substitute Senate Bill No. 5996.

Mr. Padden spoke in favor of adoption of the amendments, and Mr. Appelwick spoke against them. Mr. Padden again spoke in favor of the amendments, and Mr. R. Meyers spoke in favor of them.

The Speaker, being in doubt, called upon the House to divide. The result of the division was: Yeas - 40, Nays - 51. The amendments were not adopted.

The Speaker stated the question before the House to be adoption of the amendment on pages 13, line 10, by Representative Padden to Engrossed Substitute Senate Bill No. 5996.

Representatives Padden, R. Meyers and Hargrove spoke in favor of adoption of the amendment, and Representatives Appelwick and Riley spoke against it. The amendment was not adopted.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

The Speaker called on Mr. Wang to preside.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Ms. Belcher.

Ms. Belcher: What is "significant time" for the purposes of residential credits?

Mr. Appelwick: "Significant time" is not defined in the legislation. It will be determined on a case-by-case basis. The section does reject the idea of the bright-line ninety day rule adopted by the commission. The majority of parenting plans still have a residential split between households in the eighty/twenty to sixty-five/thirty-five range. Presumably, residential time in excess of thirty-five percent and up to 49.9 percent would be significant time. Again, it is ultimately up to the court based upon the facts of the case.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Ms. Miller.

Ms. Miller: Representative Appelwick, Section 6 subsection (d) deals with residential schedules and provides "the court cannot deviate the amount of child

support based on residential credits if deviation results in insufficient funds to meet the basic needs of the child in household receiving the support." Is it the intent of this section to create a "need standard" for child support in cases where residential credits are approved?

Mr. Appelwick: No. The intent of this section is not to create a need standard for support. Rather, the intent is to create a safety net so that the court should not deviate from a presumptive child support amount in order to grant residential credits, if the resulting support amount would be insufficient to meet the child's needs. "Basic needs" as used here is not intended to be a term of art.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Ms. Spanel.

Ms. Spanel: Representative Appelwick, Section 7 of the bill deals with postsecondary child support and subsection (4) requires that the child shall "also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support." Since the word "also" was used, is it the intent of this section that the automatic suspension of child support provided for in subsection (3) would also come into effect if the child did not provide grades in subsection (4)?

Mr. Appelwick: No. Making academic records and grades available is an additional requirement imposed upon adult children receiving support for postsecondary education. If the child failed to comply, the parent or parents are intended to have the right, by motion, to have support terminated. This is different from subsection (3) in which support is suspended automatically during periods of non-compliance and is automatically reactivated upon recompliance without having to return to the court.

Mr. Appelwick spoke in favor of passage of the bill, and Representatives Hargrove and Padden opposed it.

The Speaker resumed the Chair.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5996, and the bill passed the House by the following vote: Yeas - 68, Nays - 23, Absent - 0, Excused - 7.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bray, Brekke, Broback, Brough, Cantwell, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hine, Holland, Horn, Inslee, Jacobsen, Johnson R., King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Miller, Mitchell, Morris, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, H.,

Spanel, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Ballard, Basich, Betozoff, Bowman, Brumsickle, Casada, Chandler, Edmondson, Fuhrman, Hargrove, Hochstatter, Johnson P., Jones, Lisk, Meyers, R., Mielke, Morton, Moyer, Padden, Silver, Sommers, D., Tate, Wynne - 23.

Excused: Representatives Beck, Braddock, Haugen, Heavey, Peery, Sprengle, Wineberry - 07.

Engrossed Substitute Senate Bill No. 5996, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 2231.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 10:00 a.m., Friday, June 28, 1991.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

FIRST SPECIAL SESSION

NINETEENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, June 28, 1991

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Dorn, Haugen, Leonard, Locke, R. Meyers, Moyer, Peery, Sprenkle and Van Luvén. On motion of Ms. Cole, Representatives Dorn, Haugen, Leonard, Locke, R. Meyers, Peery and Sprenkle were excused. On motion of Ms. Bowman, Representatives Moyer and Van Luvén were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christine McCarthy and Matt Ward. Prayer was offered by The Reverend Peter Man, Minister of Olympia Christian Reformed Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

June 28, 1991

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 5985, and passed the bill with said amendments.

W. D. Naismith, Deputy Secretary.

June 28, 1991

Mr. Speaker:

The Senate has signed:

ENGROSSED SENATE BILL NO. 5985,
SENATE CONCURRENT
RESOLUTION NO. 8416,
HOUSE BILL NO. 1095,
SUBSTITUTE HOUSE BILL NO. 1909,
HOUSE BILL NO. 2214,
ENGROSSED HOUSE BILL NO. 2231,

and the same are herewith transmitted.

Gordon A. Golob, Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker (Mr. Appelwick presiding) called the House to order.

Representative Locke appeared at the bar of the House.

MESSAGES FROM THE SENATE

June 28, 1991

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5560,

ENGROSSED SENATE BILL NO. 5959,

ENGROSSED SENATE BILL NO. 6004,

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8417,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1025,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary

June 28, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5996,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

SENATE AMENDMENT TO HOUSE BILL

June 28, 1991

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330 with the following amendment:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993, except as otherwise provided, out of the several funds of the state hereinafter named." and the same is herewith transmitted.

Gordon A. Golob, Secretary

MOTION

Ms. Spanel moved that the House refuse to concur in the Senate amendment to Engrossed Substitute House Bill No. 1330 and ask the Senate for a conference thereon. The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker (Mr. Appelwick presiding) appointed Representatives Locke, Ebersole and Silver as conferees on Engrossed Substitute House Bill No. 1330.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2240 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2240, by Representative Peery

Enhancing student performance.

The bill was read the second time.

Mr. G. Fisher moved adoption of the following amendment by Representatives G. Fisher and Brough:

On page 55, after line 2, strike all material down to and including "void." on line 24.

Renumber remaining section accordingly.

Representatives G. Fisher and Brough spoke in favor of adoption of the amendment, and it was adopted.

The bill was ordered engrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives G. Fisher, Brough and Valle spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The clerk called the roll on the final passage of Engrossed House Bill No. 2240, and the bill passed the House by the following vote: Yeas - 87, Nays - 3, Absent - 0, Excused - 8.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn,

Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Fuhrman, Hochstatter, Padden - 03

Excused: Representatives Dorn, Haugen, Leonard, Meyers, R., Moyer, Peery, Sprenkle, Van Luven - 08.

Engrossed House Bill No. 2240, having received the constitutional majority was declared passed.

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2242 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2242, by Representatives Wang, Horn, Hine, Holland, Franklin, Wineberry, Phillips, Pruitt, Cole, Zellinsky, G. Fisher, Scott, H. Sommers, Nelson, O'Brien, May, Valle, D. Sommers, Moyer, Miller, Padden, Betrozoff, Forner, Wood, Paris, Wynne, Mitchell, Bowman, Neher, Schmidt, P. Johnson, Tate, Edmondson, Vance, Ballard and Casada

Modifying phase-in of property taxes for homes for the aging.

The bill was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Horn spoke in favor of passage of the bill, and Mr. Prince spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2242, and the bill passed the House by the following vote: Yeas - 84, Nays - 6, Absent - 0, Excused - 8.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fuhrman, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Belcher, Fraser, McLean, Nealey, Prince, Silver - 06.

Excused: Representatives Dorn, Haugen, Leonard, Meyers, R., Moyer, Peery, Sprenkle, Van Luven - 08

House Bill No. 2242, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MOTION

Mr. Wang moved that the House immediately consider Engrossed Substitute House Bill No. 1058 on the third reading calendar. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1058, by House Committee on Revenue (originally sponsored by Representatives Wang, Holland and Fraser; by request of State Treasurer and Office of Financial Management)

Reorganizing treasurer-managed funds and accounts.

MOTION

On motion of Mr. Wang, the rules were suspended and Engrossed Substitute House Bill No. 1058 was returned to second reading for purpose of amendment.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Holland, R. Fisher and Silver:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.39.170 and 1985 c 57 s 67 are each amended to read as follows:

The commission shall biennially prepare a budget which shall include its estimated income and expenditures for administration and operation for the biennium, to be submitted to the governor for transmittal to the legislature for approval.

Expenses of the commission shall be financed by assessment against hospitals in an amount to be determined biennially by the commission, but not to exceed four one-hundredths of one percent of each hospital's gross operating costs to be levied and collected (~~from and after July 1, 1973~~) for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit may be financed by a general fund appropriation by the legislature. All moneys collected are to be deposited by the state treasurer in the hospital commission account which is hereby created in the state treasury. (~~All earnings of investments of balances in the hospital commission account shall be credited to the general fund.~~)

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the commission in succeeding years.

Sec. 2. RCW 18.08.240 and 1985 c 57 s 4 are each amended to read as follows:

There is established in the state treasury the architects' license account, into which all fees paid pursuant to this chapter shall be paid. (~~All earnings of investments of balances in the architects' license account shall be credited to the general fund.~~)

Sec. 3. RCW 43.79.330 and 1985 c 57 s 38 are each amended to read as follows:

All moneys to the credit of the following state funds on the first day of August, 1955, and all moneys thereafter paid to the state treasurer for or to the credit of such funds, are hereby transferred to the following accounts in the state treasury, the creation of which is hereby authorized:

- (1) Capitol building construction fund moneys, to the capitol building construction account;
- (2) Cemetery fund moneys, to the cemetery account;
- (3) Feed and fertilizer fund moneys, to the feed and fertilizer account;
- (4) Forest development fund moneys, to the forest development account;
- (5) Harbor improvement fund moneys, to the harbor improvement account;
- (6) Millersylvania Park current fund moneys, to the Millersylvania Park current account;
- (7) Puget Sound pilotage fund moneys, to the Puget Sound pilotage account;
- (8) Real estate commission fund moneys, to the real estate commission account;
- (9) Reclamation revolving fund moneys, to the reclamation revolving account;
- (10) University of Washington building fund moneys, to the University of Washington building account; and
- (11) State College of Washington building fund moneys, to the Washington State University building account(;

~~(12) All earnings of investments of balances in the capitol building construction account, the cemetery account, the feed and fertilizer account, the harbor improvement account, the Millersylvania Park current account, the Puget Sound pilotage account, the real estate commission account, and the reclamation revolving account shall be credited to the general fund; and~~

~~(13) Except as provided in RCW 43.84.090, all earnings of investments of balances in the forest development account, the University of Washington building account, and the Washington State University building account shall be credited to these respective accounts)).~~

Sec. 4. RCW 43.51.280 and 1987 c 466 s 2 are each amended to read as follows:

There is hereby created the trust land purchase account in the state treasury. Any revenues accruing to this account shall be used for the purchase of the property described in RCW 43.51.270(3)(a), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the maintenance and operation of state parks in the 1981-83 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the payment required to be made in the contract for sale of lands in RCW 43.51.270(2), the acquisition of the property described in RCW 43.51.270(3)(a), those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in RCW 43.51.270(2), and for the acquisition of the property described in RCW 43.51.270(3)(b), (c), (d), and (e) and 43.51.270(4) on a schedule satisfactory to the board of natural resources. Payments may be delayed for property described in RCW 43.51.270(3)(b), (c), (d), and (e) until the existing contract for purchase of lands in RCW 43.51.270(2) has been paid off. Payments for the property in RCW 43.51.270(4) may be delayed until contracts for purchase of lands and timber described in RCW 43.51.270 (2) and (3) have been paid off. Payments from the account for those parcels included in RCW 43.51.270(4) shall be established on a schedule which is mutually acceptable to the board of natural resources and the parks and recreation commission. ~~((All earnings of investments of balances in the trust land purchase account shall be credited to the general fund.))~~

Sec. 5. RCW 40.14.025 and 1985 c 57 s 22 are each amended to read as follows:

The secretary of state and the director of financial management shall jointly establish a schedule of fees and charges governing the services provided by the division of archives and records management to other state agencies, offices, departments, and other entities. The schedule shall be determined such that the fees and charges will provide the division with funds to meet its anticipated expenditures during any allotment period.

There is created the archives and records management account in the state treasury which shall consist of all fees and charges collected under this section. The account shall be appropriated exclusively for use by the secretary of state for the payment of costs and expenses incurred in the operation of the division of archives and records management. ~~((All earnings of investments of balances in the archives and records management account shall be credited to the general fund.))~~

Sec. 6. RCW 43.51.310 and 1985 c 57 s 35 are each amended to read as follows:

There is hereby created the winter recreational program account in the state treasury. Special winter recreational area parking permit fees collected under this chapter shall be remitted to the state treasurer to be deposited in the winter recreational program account and shall be appropriated only to the commission for nonsnowmobile winter recreation purposes including the administration, acquisition, development, operation, planning, and maintenance of winter recreation facilities and the development and implementation of winter recreation, safety, enforcement, and education programs. The commission may accept gifts, grants, donations, or moneys from any source for deposit in the winter recreational program account. ~~((All earnings of investments of balances in the winter recreational program account shall be credited to the general fund.))~~

Any public agency in this state may develop and implement winter recreation programs. The commission may make grants to public agencies and contract with any public or private agency or person to develop and implement winter recreation programs.

Sec. 7. RCW 43.140.030 and 1985 c 57 s 58 are each amended to read as follows:

There is created the geothermal account in the state treasury. All expenditures from this account are subject to appropriation and chapter 43.88 RCW. ~~((All earnings of investments of balances in the geothermal account shall be credited to the general fund.))~~

All revenues received by the state treasurer under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et. seq.) shall be deposited in the geothermal account in the state treasury immediately upon receipt.

Sec. 8. RCW 28B.14D.040 and 1985 c 57 s 13 are each amended to read as follows:

~~((Except for that portion of the proceeds required to pay bond anticipation notes under RCW 28B.14D.020,))~~ The proceeds from the sale of the bonds ~~((and bond anticipation notes))~~ authorized in this chapter, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the board of regents or board of trustees of any of the state institutions of higher education may direct the state treasurer to deposit therein, shall be deposited in the higher education construction account hereby created in the state treasury. ~~((All earnings of investments of balances in the higher education construction account shall be credited to the general fund.))~~

Sec. 9. RCW 46.10.075 and 1985 c 57 s 61 are each amended to read as follows:

There is created a snowmobile account within the state treasury. Snowmobile registration fees, monetary civil penalties from snowmobile dealers, and snowmobile fuel tax moneys collected under this chapter and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter shall be deposited in the snowmobile account and shall be appropriated only to the state parks and recreation

commission for the administration and coordination of this chapter. ~~((All earnings of investments of balances in the snowmobile account shall be credited to the general fund.))~~

Sec. 10. RCW 72.72.030 and 1985 c 57 s 71 are each amended to read as follows:

(1) There is hereby created, in the state treasury, an institutional impact account. The secretary of social and health services may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein under the jurisdiction of the secretary of social and health services. Such reimbursement shall be made to the extent funds are available from the institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

(2) The secretary of corrections may reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders residing in an institution as defined herein under the jurisdiction of the secretary of corrections. Such reimbursement shall be made to the extent funds are available from the institutional impact account. Reimbursements shall be limited to law enforcement, prosecutorial, judicial, and jail facilities costs which are documented to be strictly related to the criminal activities of the offender.

~~((3) All earnings of investments of balances in the institutional impact account shall be credited to the general fund.))~~

Sec. 11. RCW 67.40.040 and 1990 c 181 s 2 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, ~~((earnings from the investment of the proceeds,))~~ proceeds of the tax imposed under RCW 67.40.090, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) ~~((Seventy five percent of the income from the investment of the corporation's funds deposited in the account, including interest earned thereon, before and after May 10, 1985, shall be credited against any future borrowings by the state convention and trade center corporation from the general fund for debt service or otherwise at the time such funds are needed after July 1, 1987.))~~

(3)) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For acquisition, design, and construction of the state convention and trade center; and

(iii) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

~~((4))~~ (3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such

bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

Sec. 12. RCW 28B.10.821 and 1985 c 57 s 10 are each amended to read as follows:

The state educational grant account is hereby established in the state treasury. The commission shall deposit refunds and recoveries of student financial aid funds expended in prior biennia in such account. Expenditures from such account shall be for financial aid to needy or disadvantaged students. ~~((All earnings of investments of balances in the state educational grant account shall be credited to the general fund.))~~

Sec. 13. RCW 43.88.525 and 1985 c 57 s 52 are each amended to read as follows:

A budget stabilization account is hereby created as an account in the state treasury for the purposes set forth in RCW 43.88.520 through 43.88.540. There shall be deposited into the stabilization account the revenues described in RCW 43.88.530 and such other amounts as the legislature may from time to time direct to be deposited in the account. The governor's biennial budget document ~~((for the 1983-85 biennium and for each succeeding biennium))~~ shall contain a request for necessary transfers from the general fund to the budget stabilization account of those revenues identified in RCW 43.88.530. ~~((All earnings of investments of balances in the budget stabilization account shall be credited to the general fund.))~~

Sec. 14. RCW 58.24.060 and 1987 c 466 s 8 are each amended to read as follows:

There is created in the state treasury the surveys and maps account which shall be a separate account consisting of funds received or collected under chapters 58.22 and 58.24 RCW, moneys appropriated to it by law. This account shall be used exclusively by the department of natural resources for carrying out the purposes and provisions of chapters 58.22 and 58.24 RCW. Appropriations from the account shall be expended for no other purposes. ~~((All earnings of investments of balances in the surveys and maps account shall be credited to the general fund.))~~

Sec. 15. RCW 82.14.200 and 1990 c 42 s 313 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110~~((6))~~ (1)(f). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the

governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among

the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be credited and transferred to the state general fund.

~~((9) All earnings of investments of balances in the county sales and use tax equalization account shall be credited to the general fund.))~~

Sec. 16. RCW 82.14.210 and 1990 2nd ex.s. c 1 s 701 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110~~((5))~~ (1)(e). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each city and the state-wide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.155, multiplied by thirty-five sixty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the state-wide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city with an official incorporation date after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new city should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution calculated under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the state-wide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3), (4), or (5) of this section, then the distributions under subsections (3), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3), (4), and (5) of this section to the cities.

(7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5)

of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

~~((8) All earnings of investments of balances in the municipal sales and use tax equalization account shall be credited to the general fund.))~~

Sec. 17. RCW 18.72.390 and 1985 c 57 s 6 are each amended to read as follows:

Because it is the express purpose of this chapter to protect the public health and to provide for a public agency to act as a disciplinary body for members of the medical profession licensed to practice medicine and surgery in this state, and because the health and well-being of the people of this state are of paramount importance, there is hereby created an account in the state treasury to be known as the medical disciplinary account. All assessments, fines, and other funds collected or received pursuant to this chapter shall be deposited in the medical disciplinary account and used to administer and implement this chapter. ~~((All earnings of investments of balances in the medical disciplinary account shall be credited to the general fund.))~~

Sec. 18. RCW 43.70.320 and 1991 c 3 s 299 are each amended to read as follows:

There is created in the state treasury an account to be known as the health professions account. All fees received by the department for health professions licenses, registration, certifications, renewals, or examinations shall be forwarded to the state treasurer who shall credit such moneys to the health professions account. All expenses incurred in carrying out the health professions licensing activities of the department shall be paid from the account as authorized by legislative appropriation. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium. ~~((All earnings of investments of balances in the health professions account shall be credited to the general fund.))~~

The secretary shall biennially prepare a budget request based on the anticipated costs of administering the health professions licensing activities of the department which shall include the estimated income from health professions fees.

Sec. 19. RCW 74.18.230 and 1985 c 97 s 2 and 1985 c 57 s 72 are each reenacted and amended to read as follows:

(1) There is established in the state treasury an account known as the business enterprises revolving account.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises revolving fund. Net proceeds, for purposes of this section, means the gross amount received less the costs of the operation, including a fair minimum return to the vending machine owner, which return shall not exceed a reasonable amount to be determined by the department.

(3) All moneys in the business enterprises revolving fund shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving fund and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

(5) Vocational rehabilitation funds may be spent in connection with the business enterprises program for training persons to become licensees and for other services that are required to complete an individual written rehabilitation program.

~~((6) All earnings of investments of balances in the business enterprises revolving account shall be credited to the business enterprises revolving account.))~~

Sec. 20. RCW 18.04.105 and 1986 c 295 s 6 are each amended to read as follows:

(1) The certificate of "certified public accountant" shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has met such educational standards established by rule as the board determines to be appropriate; and

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

(2) The examination described in subsection (1)(c) of this section shall be held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.

(3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.

(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection (4) of this section for each subject in which the applicant is reexamined. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' account. All fees received from candidates to take any or all sections of the certified public accountant examination shall be used only for costs related to the examination. ~~((All earnings of investments of balances in the certified public accountants' account shall be credited to the general fund.))~~

(7) Persons who on June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates

previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(8) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter. No person shall use the term "licensed public accountant" or the designation "LPA."

(9) A certificate of a "certified public accountant" under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on July 1, 1986, shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect.

Sec. 21. RCW 43.79.445 and 1991 c 176 s 4 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations' account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter. ~~((All earnings of investments of balances in the death investigations' account shall be credited to the general fund.))~~

Moneys in the death investigations' account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the University of Washington to fund the state forensic pathology fellowship program, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state death investigations council.

The University of Washington and the Washington state death investigations council shall jointly determine the yearly amount for the state forensic pathology fellowship program established by RCW 28B.20.426.

Sec. 22. RCW 47.76.030 and 1991 c 363 s 125 are each amended to read as follows:

(1) The essential rail assistance account is hereby created in the state treasury. Moneys in the account may be appropriated only for the purposes specified in this section.

(2) Moneys appropriated from the account to the department of transportation may be distributed by the department to first class cities, county rail districts, counties, and port districts for the purpose of:

(a) Acquiring, maintaining, or improving branch rail lines;

(b) Operating railroad equipment necessary to maintain essential rail service;

(c) Construction of transloading facilities to increase business on light density lines or to mitigate the impacts of abandonment; or

(d) Preservation, including operation, of viable light density lines, as identified by the Washington state department of transportation, in compliance with this chapter.

(3) First class cities, county rail districts, counties, and port districts may grant franchises to private railroads for the right to operate on lines acquired, repaired, or improved under this chapter.

(4) If rail lines or rail rights of way are used by county rail districts, port districts, state agencies, or other public agencies for the purposes of rail operations and are later abandoned, the rail lines or rail rights of way cannot be used for any other purposes without the consent of the underlying fee title holder or reversionary rights holder, or compensation has been made to the underlying fee title holder or reversionary rights holder.

(5) Moneys distributed under subsection (2) of this section shall not exceed eighty percent of the cost of the service or project undertaken. At least twenty percent of the cost shall be provided by the first class city, county, port district, or other local sources.

(6) The amount distributed under this section shall be repaid to the state by the first class city, county rail district, county, or port district. The repayment shall occur within a period not longer than fifteen years, as set by the department, of the distribution of the moneys and shall be deposited in the essential rail assistance account. The repayment schedule and rate of interest, if any, shall be set at the time of the distribution of the moneys.

~~((7) All earnings of investments of balances in the essential rail assistance account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 23. RCW 43.51.200 and 1985 c 57 s 33 are each amended to read as follows:

(1) Any lands owned by the state parks and recreation commission, which are determined to be surplus to the needs of the state for development for state park purposes and which the commission proposes to deed to a local government or other entity, shall be accompanied by a clause requiring that if the land is not used for outdoor recreation purposes, ownership of the land shall revert to the state parks and recreation commission.

(2) The state parks and recreation commission, in cases where land subject to such a reversionary clause is proposed for use or disposal for purposes other than recreation, shall require that, if the land is surplus to the needs of the commission for park purposes at the time the commission becomes aware of its proposed use for nonrecreation purposes, the holder of the land or property shall reimburse the commission for the release of the reversionary interest in the land. The reimbursement shall be in the amount of the fair market value of the reversionary interest as determined by a qualified appraiser agreeable to the commission. Appraisal costs shall be borne by the local entity which holds title to the land.

(3) Any funds generated under a reimbursement under this section shall be deposited in the parkland acquisition account which is hereby created in the state treasury. Moneys in this account are to be used solely for the purchase or acquisition of property for use as state park property by the commission, as directed by the legislature; all such funds shall be subject to legislative appropriation. ~~((All earnings of investments of balances in the parkland acquisition account shall be credited to the general fund.))~~

Sec. 24. RCW 86.26.007 and 1986 c 46 s 1 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of each biennium ~~((after June 30, 1985,))~~ the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. ~~((All earnings of investments of balances in the flood control assistance account shall be credited to the general fund.))~~

Sec. 25. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. ~~((All earnings of investments of balances in the public safety and education account shall be credited to the general fund.))~~

Sec. 26. RCW 84.33.041 and 1985 c 57 s 87 are each amended to read as follows:

(1) An excise tax is imposed on every person engaging in this state in business as a harvester of timber on privately or publicly owned land. The tax is equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the rate provided in this chapter.

(2) A credit is allowed against the tax imposed under this section for any tax paid under RCW 84.33.051.

(3) Moneys received as payment for the tax imposed under this section and RCW 84.33.051 shall be deposited in the timber tax distribution account hereby established in the state treasury.

~~((4) All earnings of investments of balances in the timber tax distribution account shall be credited to the general fund.))~~

Sec. 27. RCW 43.31A.400 and 1981 c 76 s 4 are each amended to read as follows:

The economic assistance authority established by section 2, chapter 117, Laws of 1972 ex. sess. as amended by section 111, chapter 34, Laws of 1975-'76 2nd ex. sess. is abolished, effective June 30, 1982. Any remaining duties of the economic assistance authority are transferred to the department of revenue on that date. The public facilities construction loan and grant revolving account within the state treasury is continued to service the economic assistance authority's loans.

Sec. 28. RCW 70.94.656 and 1991 c 199 s 413 are each amended to read as follows:

It is hereby declared to be the policy of this state that strong efforts should be made to minimize adverse effects on air quality from the open burning of field and turf grasses grown for seed. To such end this section is intended to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.

(1) The department shall approve of a study or studies for the exploration and identification of economical and practical alternate agricultural practices to the open burning of field and turf grasses grown for seed. Prior to the issuance of any permit for such burning under RCW 70.94.650, there shall be collected a fee not to exceed one dollar per acre of crop to be burned. Any such fees received by any authority shall be transferred to the department of ecology. The department of ecology shall deposit all such acreage fees in a special grass seed burning research account, hereby created, in the state treasury. ~~((All earnings of investments of balances in the special grass seed burning research account shall be credited to the general fund.))~~ The department shall allocate moneys annually from this account for the support of any approved study or studies as provided for in this subsection. For the conduct of any such study or studies, the department may contract with public or private entities: PROVIDED, That whenever the department of ecology shall conclude that sufficient reasonably available alternates to open burning have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved, and any money remaining therein shall revert to the general fund.

The fee collected under this subsection shall constitute the research portion of fees required under RCW 70.94.650 for open burning of grass grown for seed.

(2) Whenever on the basis of information available to it, the department after public hearings have been conducted wherein testimony will be received and considered from interested parties wishing to testify shall conclude that any procedure, program, technique, or device constitutes a practical alternate agricultural practice to the open burning of field or turf grasses grown for seed, the department shall, by order, certify approval of such alternate. Thereafter, in any case which any such approved alternate is reasonably available, the open burning of field and turf grasses grown for seed shall be disallowed and no permit shall issue therefor.

(3) Until approved alternates become available, the department or the authority may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.

(4) Permits issued for burning of field and turf grasses may be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions.

Sec. 29. RCW 51.44.170 and 1990 c 204 s 2 are each amended to read as follows:

The industrial insurance premium refund account is created in the state treasury. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. ~~(Interest on the moneys in the account shall be deposited into the general fund.)~~ Moneys in the account may be spent only after appropriation. No agency or institution of higher education may receive an appropriation for an amount greater than the refund earned by the agency. Expenditures from the account may be used for any program within an agency or institution of higher education, but preference shall be given to programs that promote or provide incentives for employee safety and early, appropriate return-to-work for injured employees.

Sec. 30. RCW 82.14.320 and 1990 2nd ex.s. c 1 s 104 are each amended to read as follows:

(1) The municipal criminal justice assistance account is created in the state treasury. The account shall consist of all motor vehicle excise tax receipts deposited into the account under chapter 82.44 RCW.

(2) No city may receive a distribution under this section from the municipal criminal justice assistance account unless:

(a) The city has a crime rate in excess of one hundred twenty-five percent of the state-wide average as calculated in the most recent annual report on crime in Washington state as published by the Washington association of sheriffs and police chiefs;

(b) The city has levied the tax authorized in RCW 82.14.030(2) at the maximum rate or the tax authorized in RCW 82.46.010(2) at the maximum rate; and

(c) The city has a per capita yield from the tax imposed under RCW 82.14.030(1) at the maximum rate of less than one hundred fifty percent of the state-wide average per capita yield for all cities from such local sales and use tax.

(3) The moneys deposited in the municipal criminal justice ~~(assistance)~~ assistance account for distribution under this section shall be distributed at such times as distributions are made under RCW 82.44.150. The distributions shall be made as follows:

(a) Thirty percent of the moneys shall be distributed ratably based on population as last determined by the office of financial management to those cities eligible under subsection (2) of this section that have a crime rate determined under subsection (2)(a) of this section which is greater than two times the state-wide average crime rate. No city may receive more than fifty percent of any moneys distributed under this subsection (a).

(b) The remainder of the moneys shall be distributed to all cities eligible under subsection (2) of this section ratably based on population as last determined by the office of financial management.

(4) No city may receive more than thirty percent of all moneys distributed under subsection (3) of this section.

(5) Moneys distributed under this section shall be expended exclusively for criminal justice purposes and shall not be used to replace or supplant existing funding.

(6) This section expires January 1, 1994.

Sec. 31. RCW 76.04.630 and 1989 c 362 s 2 and 1989 c 175 s 162 are each reenacted and amended to read as follows:

There is created a landowner contingency forest fire suppression account (~~which shall be a separate account~~) in the state treasury. Moneys in the account may be spent only as provided in this section. Disbursements from the account shall be on authorization of the commissioner of public lands or the commissioner's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

The department may expend from this account such amounts as may be available and as it considers appropriate for the payment of emergency fire costs resulting from a participating landowner fire. The department may, when moneys are available from the landowner contingency forest fire suppression account, expend moneys for summarily abating, isolating, or reducing an extreme fire hazard under RCW 76.04.660. All moneys recovered as a result of the department's actions, from the owner or person responsible, under RCW 76.04.660 shall be deposited in the landowner contingency forest fire suppression account.

When a determination is made that the fire was started by other than a landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from such general fund appropriations as may be available for emergency fire suppression costs. The department shall deposit in the landowner contingency forest fire suppression account any moneys paid out of the account which are later recovered, less reasonable costs of recovery.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating landowners at a rate to be established by the department, but not to exceed fifteen cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in the account of three million dollars. The department may establish a minimum assessment for ownership parcels identified in RCW 76.04.610 as paying the minimum assessment. The maximum assessment for these parcels shall not exceed the fees levied on a thirty-acre parcel. There shall be no assessment on each parcel of privately owned lands of less than two acres. The assessments may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made and may be collected as directed by the department in the same manner as forest protection assessments. (~~This account shall be held by the state treasurer, who is authorized to invest so much of the account as is not necessary to meet current needs. Any interest earned on moneys from the account shall be deposited in and remain a part of the account and shall be computed as part of same in determining the balance thereof. Interfund loans to and from this account are authorized at the current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments.~~) Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.495 or other laws.

When the department determines that a forest fire was started in the course of or as a result of a landowner operation, it shall notify the forest fire advisory board of the determination. The determination shall be final, unless, within ninety days of the notification, the forest fire advisory board or any interested party serves a request for a hearing before the department. The hearing shall constitute an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, and any appeal shall be in accordance with RCW 34.05.510 through 34.05.598.

Sec. 32. RCW 43.33A.160 and 1985 c 57 s 32 are each amended to read as follows:

(1) The state investment board shall be funded from the earnings of the funds managed by the state investment board, proportional to the value of the assets of each fund, subject to legislative appropriation.

(2) There is established in the state treasury a state investment board expense account from which shall be paid the operating expenses of the state investment board. Prior to November 1 of each even-numbered year, the state investment board shall determine and certify to the state treasurer and the office of financial management the value of the various funds managed by the investment board in order to determine the proportional liability of the funds for the operating expenses of the state investment board. Pursuant to appropriation, the state treasurer is authorized to transfer such moneys from the various funds managed by the investment board to the state investment board expense account as are necessary to pay the operating expenses of the investment board. ~~((All earnings of investments of balances in the state investment board expense account shall be credited to the state investment board expense account.))~~

Sec. 33. RCW 43.83B.360 and 1985 c 57 s 46 are each amended to read as follows:

~~((At the time the state finance committee determines to issue such bonds authorized in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 or a portion thereof, it may, pending the issuance thereof, issue in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes".))~~ The proceeds from the sale of bonds ~~((and notes))~~ authorized by RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be deposited in the state emergency water projects revolving account, hereby created in the state treasury, and shall be used exclusively for the purposes specified in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 and for the payment of expenses incurred in the issuance and sale of such bonds ~~((and notes: PROVIDED, That such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the state emergency water projects bond redemption fund of 1977 in the state treasury created by RCW 43.83B.370. All earnings of investments of balances in the state emergency water projects revolving account shall be credited to the general fund)).~~

Sec. 34. RCW 82.14.050 and 1991 c 207 s 2 are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045 and public facilities districts under chapter 36.100 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, and public facilities districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, and public facilities districts monthly.

Sec. 35. RCW 43.19.610 and 1986 c 312 s 902 are each amended to read as follows:

There is hereby established in the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or ((his)) a duly authorized representative and as may be provided by law. ~~((All earnings of investments of balances in the motor transport account shall be credited to the general fund.~~

~~The state treasurer shall transfer to the general fund two million dollars from the motor transport account on or before June 30, 1987.))~~

Sec. 36. RCW 27.34.090 and 1985 c 57 s 7 are each amended to read as follows:

All moneys in the state capitol historical museum association account hereby created in the state treasury and any moneys appropriated from that account, shall be expended for the purposes of the state capital historical association museum as determined by a majority of the governing board of the state capital historical association. ~~((All earnings of investments of balances in the state capitol historical association museum account shall be credited to the general fund.))~~

Sec. 37. RCW 82.42.090 and 1985 c 57 s 86 are each amended to read as follows:

All moneys collected by the director from the aircraft fuel excise tax as provided in RCW 82.42.020 shall be transmitted to the state treasurer and shall be credited to the aeronautics account hereby created in the state treasury. Moneys collected from the consumer or user of aircraft fuel from either the use tax imposed by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020 shall be transmitted to the state treasurer and credited to the state general fund. ~~((All earnings of investments of balances in the aeronautics account shall be credited to the general fund.))~~

Sec. 38. RCW 47.68.236 and 1985 c 57 s 63 are each amended to read as follows:

There is hereby created in the state treasury an account to be known as the aircraft search and rescue, safety, and education account. All moneys received by the department under RCW 47.68.233 shall be deposited in such account. ~~((All earnings of investments of balances in the aircraft search and rescue, safety, and education account shall be credited to the general fund.))~~

Sec. 39. RCW 43.79.201 and 1991 c 204 s 3 are each amended to read as follows:

(1) ~~((All moneys in the state treasury to the credit of that fund now denoted as the C.E.P. & R.I. fund on and after March 20, 1961, and all moneys thereafter paid into the state treasury for or to the credit of such fund shall be and are hereby transferred to and placed in))~~ The charitable, educational, penal and reformatory institutions account~~(;)~~ is hereby created, in the state treasury, into which ~~((fund))~~ account there shall ~~((also))~~ be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893. ~~((All earnings of investments of balances in the charitable, educational, penal and reformatory institutions account shall be credited to the account.))~~

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons who are mentally ill, developmentally disabled, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community development for the housing assistance program under chapter 43.185 RCW.

Sec. 40. RCW 70.93.180 and 1985 c 57 s 68 are each amended to read as follows:

There is hereby created an account within the state treasury to be known as the "litter control account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this chapter shall be deposited in the litter control account and used for the administration and implementation of this chapter except as required to be otherwise distributed under RCW 70.93.070. ~~((All earnings of investments of balances in the litter control account shall be credited to the general fund.))~~

Sec. 41. RCW 46.08.172 and 1988 ex.s. c 2 s 901 are each amended to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account". The director of the department of general administration shall establish an equitable and consistent employee parking rental fee for state owned or leased property, effective July 1, 1988. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account". ~~((All earnings of investments of balances in the state capitol vehicle parking account shall be credited to the general fund.))~~

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities at the state capitol.

Sec. 42. RCW 43.99.040 and 1985 c 57 s 53 are each amended to read as follows:

There is created the marine fuel tax refund account in the state treasury. ~~((All earnings of investments of balances in the marine fuel tax refund account shall be credited to the general fund.))~~ From time to time, but at least once each biennium, the director of licensing shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be tax on marine fuel. The state treasurer shall refund such amounts and place them in the marine fuel tax refund account to be held for those entitled thereto pursuant to chapter 82.36 RCW and RCW 43.99.050, except that he shall not refund and place in the marine fuel tax refund account for any period for which a determination has been made pursuant to RCW 43.99.030 more than the greater of the following amounts: (1) An amount equal to two percent of all moneys paid to him as motor vehicle fuel tax for such period, (2) an amount necessary to meet all approved claims for refund of tax on marine fuel for such period.

Sec. 43. RCW 43.83A.030 and 1985 c 57 s 44 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter ~~((and any interest earned on the interim investment of such proceeds,))~~ shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 44. RCW 43.99F.030 and 1985 c 57 s 56 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the state and local improvements revolving account, Waste Disposal Facilities, 1980 hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds. ~~((All earnings of investments of balances of such account shall be credited to the state and local improvements revolving account, Waste Disposal Facilities, 1980.))~~

Sec. 45. RCW 28B.10.851 and 1985 c 57 s 11 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may

direct the state treasurer to deposit therein shall be deposited in the state higher education construction account hereby created in the state treasury. ~~((All earnings of investments of balances in the state higher education construction account shall be credited to the general fund.))~~

Sec. 46. RCW 43.83.020 and 1987 1st ex.s. c 3 s 9 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein shall be deposited in the state building construction account which is hereby established in the state treasury and shall be used exclusively for the purposes of carrying out the provisions of the capital appropriation acts, and for payment of the expense incurred in the printing, issuance, and sale of such bonds. ~~((All earnings of investments of balances in the state building construction account shall be credited to the general fund.))~~

Sec. 47. RCW 28B.50.360 and 1985 c 390 s 56 and 1985 c 57 s 16 are each reenacted and amended to read as follows:

~~((There is hereby created in the state treasury a community college bond retirement fund.))~~ Within thirty-five days from the date of start of each quarter all building fees of each such community college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community college ~~((bond retirement fund which fund as required, is hereby created in the state treasury))~~ capital projects account. Such amounts of the funds deposited in the ~~((bond retirement fund))~~ community college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) ~~((That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) above shall be deposited in))~~ The community college capital projects account ~~((which account))~~ is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community college education in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((All earnings of investments of balances in the community college capital projects account shall be credited to the general fund.))~~

(3) Notwithstanding the provisions of subsections (1) and (2) above, at such time as all outstanding building bonds of the college board payable from the community college ~~((bond retirement fund))~~ capital projects account have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the community college ~~((bond retirement fund))~~ capital projects account, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their maturity, through

refunding or otherwise, that portion of all building fees of the community colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the ~~((said bond retirement fund))~~ community college capital projects account and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such community college building bonds from some source other than the community college ~~((bond retirement fund))~~ capital projects account or as pledging the general credit of the state to the payment of such bonds.

Sec. 48. RCW 28B.50.360 and 1991 c 238 s 51 and 1985 c 57 s 16 are each reenacted and amended to read as follows:

~~((There is hereby created in the state treasury a community and technical college bond retirement fund.))~~ Within thirty-five days from the date of start of each quarter all building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college ~~((bond retirement fund which fund as required, is hereby created in the state treasury))~~ capital projects account. Such amounts of the funds deposited in the ~~((bond retirement fund))~~ community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

~~((That portion of the building fees not required for or in excess of the amounts necessary to pay and secure the payment of any of the bonds as provided in subsection (1) of this section shall be deposited in))~~ The community and technical college capital projects account ~~((which account))~~ is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. ~~((All earnings of investments of balances in the capital projects account shall be credited to the general fund.))~~

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, at such time as all outstanding building bonds of the college board payable from the community and technical college ~~((bond retirement fund))~~ capital projects account have been paid, redeemed, and retired, or at such time as ample provision has been made by the state for full payment, from some source other than the ~~((bond retirement fund))~~ community and technical college capital projects account, of the principal of and the interest on and call premium, if applicable, of such bonds as they mature and/or upon their call prior to their

maturity, through refunding or otherwise, that portion of all building fees of the community and technical colleges equal to the amount required to pay yearly debt service on any general obligation bonds issued by the state in accordance with Article VIII, section 1, Washington state Constitution, for community and technical college purposes, shall be paid into the general fund of the state treasury. The state finance committee shall determine whether ample provision has been made for payment of such bonds payable from the ~~((said bond retirement fund))~~ community and technical college capital projects account and shall determine the amount required to pay yearly debt service on such general obligation bonds of the state. Nothing in this subsection shall be construed as obligating the legislature or the state to provide for payment of such college building bonds from some source other than the community and technical college ~~((bond retirement fund))~~ capital projects account or as pledging the general credit of the state to the payment of such bonds.

Sec. 49. RCW 28B.35.370 and 1985 c 390 s 47 and 1985 c 57 s 15 are each reenacted and amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University ~~((bond retirement fund))~~ capital projects account, the Central Washington University ~~((bond retirement fund))~~ capital projects account, the Western Washington University ~~((bond retirement fund))~~ capital projects account, or The Evergreen State College ~~((bond retirement fund))~~ capital projects account respectively, which ~~((funds))~~ accounts are hereby created in the state treasury ~~((, such funds for the regional universities being redesignations for the Eastern Washington State College bond retirement fund, the Central Washington State College bond retirement fund, and the Western Washington State College bond retirement fund, respectively))~~. The amounts deposited in the respective ~~((bond retirement funds))~~ capital projects accounts shall be used exclusively to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All ~~((building fees and above described))~~ normal school fund revenue ~~((not needed for or in excess of the amounts certified to the state treasurer as being required to pay and secure the payment of building or above described normal school fund revenue bond principal or interest))~~ pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury ~~((, such funds for the regional universities being redesignations~~

~~for the Eastern Washington State College capital projects account, the Central Washington State College capital projects account, and the Western Washington State College capital projects account, respectively)).~~ The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. ~~((All earnings of investments of balances in these respective capital projects accounts shall be credited to the general fund.))~~

Sec. 50. RCW 28B.30.730 and 1985 c 390 s 43 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of Washington State University or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner and at such price as the board may prescribe;
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:
 - (a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement ~~((fund))~~ account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement (~~(fund)~~) account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement (~~(fund)~~) account to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds(~~(, exclusive of accrued interest which shall be deposited in the bond retirement fund,))~~ shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investible balances of scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurers' service account pursuant to RCW 43.08.190.

Sec. 51. RCW 28B.57.050 and 1985 c 57 s 18 are each amended to read as follows:

The proceeds from the sale of the bonds (~~(and/or bond anticipation notes)~~) authorized herein, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the college board may direct the state treasurer to deposit therein, shall be deposited in the 1975 community college capital construction account, hereby created in the state treasury. (~~(All earnings of investments of balances in the 1975 community college capital construction account shall be credited to the general fund.))~~)

Sec. 52. RCW 43.99.060 and 1985 c 57 s 54 are each amended to read as follows:

There is created the outdoor recreation account in the state treasury, in which shall be deposited all moneys received from the marine fuel tax refund account pursuant to RCW 43.99.070, the proceeds of the bond issue authorized by (~~(chapter 12, Laws of 1963, extraordinary session))~~ chapter 43.98 RCW, RCW 43.31.620 and 43.31.740, and any moneys made available to the state of Washington by the federal government for outdoor recreation not specifically designated for another fund or agency. (~~(All earnings of investments of balances in the outdoor recreation account shall be credited to the general fund.))~~)

Grants, gifts, or other financial assistance awarded or designated for a particular purpose, or proceeds received from public bodies as administrative cost contributions, may be received and, when appropriated by the legislature, may be expended in accordance with the general budget and accounting act.

Sec. 53. RCW 43.83B.030 and 1985 c 57 s 45 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter(~~(, and any interest earned on the interim investment of such proceeds,))~~ shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 54. RCW 43.83C.030 and 1985 c 57 s 47 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter(~~(, and any interest earned on the interim investment of such proceeds,))~~ shall be deposited in the state and local improvements revolving account hereby created in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 55. RCW 43.83D.030 and 1985 c 57 s 48 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter(~~(, and any interest earned on the interim investment of such proceeds,)~~) shall be deposited in the state and local improvements revolving account in the state treasury and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 56. RCW 43.83H.030 and 1985 c 57 s 49 are each amended to read as follows:

~~((At the time the state finance committee determines to issue such bonds authorized in RCW 43.83H.010 or a portion thereof, pending the issuance of such bonds, it may issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes".))~~ The proceeds from the sale of bonds ~~((and notes))~~ authorized by this chapter shall be deposited in the state social and health services construction account hereby created in the state treasury and shall be used exclusively for the purposes specified in this chapter and for the payment of expenses incurred in the issuance and sale of such bonds ~~((and notes: PROVIDED, Such portion of the proceeds of the sale of such bonds as may be required for the payment of the principal and interest on such anticipation notes as have been issued, shall be deposited in the bond redemption fund created in RCW 43.83H.050. All earnings of investments of balances in the state social and health services construction account shall be credited to the general fund)).~~

Sec. 57. RCW 43.84.092 and 1990 2nd ex.s. c 1 s 204 are each amended to read as follows:

~~((Except as provided in RCW 43.84.090,))~~ (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

~~((Except as provided in RCW 82.14.050,))~~ (2) Monthly, the state treasurer shall distribute~~((, on or before July 20 of each year,))~~ the earnings credited to the treasury income account ~~((as of June 30 to the funds for the fiscal year in which it was earned)).~~ ~~((Except as otherwise provided by statute,))~~ The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The ~~((various))~~ following accounts and funds ~~((in the state treasury))~~ shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: ~~((PROVIDED, That))~~ The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the

teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings ((~~on the balances of the forest reserve fund, the federal forest revolving fund, the liquor excise tax fund, the treasury income account, the suspense account, the undistributed receipts account, the state payroll revolving account, the agency vendor payment revolving fund, and the local leasehold excise tax account shall be credited to the state treasurer's service fund: PROVIDED FURTHER, That earnings on the balances of the agency payroll revolving fund, the special fund salary and insurance contribution increase revolving fund and special fund semimonthly payroll revolving fund shall be credited to the state general fund~~)) to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account.

(3) In conformance with Article II, section 37 of the state Constitution; no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 58. RCW 28A.515.320 and 1991 c 76 s 2 are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land (~~subsequent to June 30, 1965,~~) other than those granted for specific purposes; (2) the interest accruing on the permanent common school fund (~~from and after July 2, 1967,~~) less the allocations to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund (~~from and after July 1, 1967~~); (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 2001, and when thirty megawatts of geothermal power is

certified as commercially available by the receiving utilities and the state energy office, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund less the allocations to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income foregone, before the end of the next fiscal biennium following such use.

Sec. 59. RCW 50.16.010 and 1987 c 202 s 218 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) ~~((interest earned upon any moneys in the fund, (3)))~~ any property or securities acquired through the use of moneys belonging to the fund,

~~((4))~~ (3) all earnings of such property or securities,

~~((5))~~ (4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

~~((6))~~ (5) all money recovered on official bonds for losses sustained by the fund,

~~((7))~~ (6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

~~((8))~~ (7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

~~((9))~~ (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title ~~((after June 20, 1953))~~, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in ~~((this 1985 act))~~ RCW 74.09.035, 74.09.510, 74.09.520, and 74.09.700.

Sec. 60. RCW 43.200.080 and 1990 c 21 s 6 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. ~~((All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The perpetual maintenance fund is created in the state treasury. The treasurer shall place the money in a special fund which may be designated the "perpetual maintenance fund." The perpetual maintenance fund shall be comprised of))~~ A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. ~~((Moneys which on July 23, 1989, are in the perpetual maintenance account shall be transferred to the perpetual surveillance and maintenance account. All moneys currently administered by the department of ecology for closure of the Hanford low-level radioactive waste disposal facility shall be transferred to the site closure account within the perpetual maintenance fund. All future))~~ All moneys, including ((interest,

~~contributed to)) earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance ((fund)) account, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190 accruing under the authority of this section shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190 shall be directed to the ((perpetual maintenance fund)) site closure account and the perpetual surveillance and maintenance account as specified by the department. ((Moneys in the perpetual maintenance fund shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance fund.)) Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the ((perpetual maintenance fund)) site closure account and the perpetual surveillance and maintenance account;~~

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; ~~((and))~~

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. ~~The ((initial set of)) plans ((shall be completed by October 1, 1989, and))~~ shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

Sec. 61. RCW 70.146.030 and 1987 c 505 s 64 and 1987 c 436 s 6 are each reenacted and amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature. ~~((All earnings from investment of balances in the water quality account, except as provided in RCW 43.84.090, shall be credited to the water quality account.))~~

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) The department shall present a progress report each biennium on the use of moneys from the account to the chairs of the committees on ways and means of the senate and house of representatives, including one copy to the staff of each of the committees.

Sec. 62. RCW 70.164.030 and 1987 c 36 s 3 are each amended to read as follows:

~~((1))~~ The low-income weatherization assistance account is created in the state treasury. All moneys from the money distributed to the state pursuant to Exxon v. United States, 561 F.Supp. 816 (1983), affirmed 773 F.2d 1240 (1985), or any other oil overcharge settlements or judgments distributed by the federal government, that are allocated to the low-income weatherization assistance account shall be deposited in the account. The department may accept such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, and shall deposit such funds in the account. Any moneys received from sponsor match payments shall be deposited in the account. The legislature may also appropriate moneys to the account. Moneys in the account shall be spent pursuant to appropriation and only for the purposes and in the manner provided in RCW 70.164.040. Any moneys appropriated that are not spent by the department shall return to the account.

~~((2) Notwithstanding RCW 43.84.090, all earnings of investments of balances in the low income weatherization assistance account shall be credited to the account.))~~

Sec. 63. RCW 79.90.555 and 1987 c 259 s 2 are each amended to read as follows:

The aquatic land dredged material disposal site account is hereby established in the state treasury. The account shall consist of funds appropriated to the account; funds transferred or paid to the account pursuant to settlements; court or administrative agency orders or judgments; gifts and grants to the account; and all funds received by the department of natural resources from users of aquatic land dredged material disposal sites. After appropriation, moneys in the fund may be spent only for the management and environmental monitoring of aquatic land dredged material disposal sites. The account is subject to the allotment procedure provided under chapter 43.88 RCW. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the account shall be credited to the account.))~~

Sec. 64. RCW 70.94.483 and 1990 c 128 s 5 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the ~~((general fund))~~ state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee, not to exceed fifteen dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device, excepting masonry fireplaces ~~((after January 1, 1988))~~. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above fifteen dollars according to changes in the consumer price index ~~((after January 1,~~

1989)). The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 65. RCW 70.94.483 and 1991 c 199 s 505 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the ~~((general fund))~~ state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device after January 1, 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above thirty dollars to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 66. RCW 47.78.010 and 1990 c 43 s 47 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight. ~~((All earnings of investments of any balances in the high capacity transportation account shall be credited to the account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 67. RCW 22.09.411 and 1987 c 509 s 8 are each amended to read as follows:

(1) There is hereby established a fund to be known as the grain indemnity fund. The grain indemnity fund shall consist of assessments remitted by licensees pursuant to the provisions of RCW 22.09.416 through 22.09.426 ~~((and any interest or earnings on the fund balance))~~.

(2) All assessments shall be paid to the department and shall be deposited in the grain indemnity fund. The state treasurer shall be the custodian of the grain indemnity fund. Disbursements shall be on authorization of the director. No appropriation is required for disbursements from this fund.

(3) The grain indemnity fund shall be used exclusively for purposes of paying claimants pursuant to this chapter, and paying necessary expenses of administering the grain indemnity fund, provided however, that moneys equivalent to one-half of the interest ((accumulated)) earned by the fund for deposit to the general fund may be paid to the department to defray costs of administering the warehouse audit program. The state of Washington shall not be liable for any claims presented against the fund.

Sec. 68. RCW 70.47.030 and 1987 1st ex.s. c 5 s 5 are each amended to read as follows:

The basic health plan trust account is hereby established in the state treasury. All funds appropriated for this chapter shall be deposited in the basic health plan trust account

and may be expended without further appropriation. Disbursements from other moneys in the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health plan administrator. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan. ~~((The earnings on any surplus balances in the basic health plan trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1988,))~~ The administrator shall not expend or encumber for an ensuing fiscal period amounts exceeding ninety percent of the amounts anticipated to accrue in the account during the fiscal period.

Sec. 69. RCW 70.105D.070 and 1989 c 2 s 7 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account:

(a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW ~~((after March 1, 1989))~~; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with RCW 70.95.130, 70.95.140, 70.95.220, 70.95.230, 70.95.530, 70.105.220, 70.105.225, 70.105.235, and 70.105.260;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(d) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent. Moneys deposited in the local toxics control account shall be used by the department for grants to local governments for the following purposes in descending order of priority: (a) Remedial actions; (b) hazardous waste plans and programs under RCW

70.105.220, 70.105.225, 70.105.235, and 70.105.260; and (c) solid waste plans and programs under RCW 70.95.130, 70.95.140, 70.95.220, and 70.95.230. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105 and 70.95 RCW.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute. ~~((All earnings from investment of balances in the accounts, except as provided in RCW 43.84.090, shall be credited to the accounts.))~~

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed fifty thousand dollars though it may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant issuance and performance.

Sec. 70. RCW 2.14.070 and 1988 c 109 s 18 are each amended to read as follows:

The judicial retirement administrative account is created in the state treasury. All expenses of the administrator for the courts under this chapter, including staffing and administrative expenses, shall be paid out of the administrative account. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the administrative account shall be credited to this account.))~~ Any excess ~~((of earnings of investments of balances credited to))~~ balance of this account over administrative expenses disbursed from this account shall be ~~((expended))~~ transferred to the principal account. Any deficiency in the administrative account caused by an excess of administrative expenses disbursed from this account over ~~((earnings of investments of balances credited to))~~ the excess balance of this account shall be transferred to this account from the principal account.

Sec. 71. RCW 70.170.080 and 1989 1st ex.s. c 9 s 508 are each amended to read as follows:

The basic expenses for the hospital data collection and reporting activities of this chapter shall be financed by an assessment against hospitals of no more than four one-hundredths of one percent of each hospital's gross operating costs, to be levied and collected from and after that date, upon which the similar assessment levied under chapter 70.39 RCW is terminated, for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit must be financed by a general fund appropriation by the legislature. All moneys collected under this section shall be deposited by the state treasurer in the hospital data collection account which is hereby created in the state treasury. ~~((All earnings on investments of balances in the hospital data collection account shall be credited to the general fund.))~~ The department may also charge, receive, and dispense funds or authorize any contractor or outside sponsor to charge for and reimburse the costs associated with special studies as specified in RCW 70.170.050.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the department in succeeding years.

Sec. 72. RCW 90.76.100 and 1989 c 346 s 11 are each amended to read as follows:

The underground storage tank account is created in the state treasury. Money in the account may only be spent, subject to legislative appropriation, for the administration and enforcement of the underground storage tank program established under this chapter. The account shall contain:

- (1) All fees collected under RCW 90.76.090; and
- (2) All fines or penalties collected under RCW 90.76.080; and
- (3) ~~Any interest earned on the account, subject to RCW 43.84.090).~~

Sec. 73. RCW 70.95.800 and 1989 c 431 s 90 are each amended to read as follows:

The solid waste management account is created in the state treasury. Moneys in the account may only be spent after appropriation. Expenditures from the account may only be used to carry out the purposes of this act. ~~((All earnings from the investment of balances in the solid waste management account except as provided in RCW 43.84.090, shall be deposited into the solid waste management account.))~~

Sec. 74. RCW 59.21.050 and 1991 c 327 s 12 are each amended to read as follows:

(1) The mobile home park relocation fund is created in the custody of the state treasurer. All legislative appropriations for mobile home relocation assistance, receipts from fees collected under this chapter, and amounts required to be paid by park-owners to low-income park tenants when there are insufficient moneys in the fund shall be deposited into the fund. Expenditures from the fund may be used only for relocation assistance under RCW 59.21.020, or transfer to the mobile home park purchase fund under subsection (2) of this section. Only the director of community development or the director's designee may authorize expenditures from the fund. All relocation payments to low-income park tenants, including those due from the park-owner shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) ~~((The state treasurer shall maintain the fund and shall invest the fund moneys. Moneys earned on these investments shall be deposited in the fund and shall be used for the same purposes as other fund moneys.))~~ Unexpended and unencumbered moneys that remain in the fund at the end of the fiscal year do not revert to the state general fund but remain in the fund, separately accounted for, as a contingency reserve, or if the director determines at the end of any fiscal year beginning after December 31, 1991, that the fund contains a surplus over the projected amount needed for relocation during the upcoming year(s), any surplus may be transferred to the mobile home park purchase fund created by chapter 59.22 RCW. However, the director may cause any uncommitted funds in the mobile home park purchase fund which were transferred from the mobile home park relocation fund to be transferred back to the mobile home park relocation fund if that fund cannot otherwise meet its current obligations.

(3) A low-income park tenant who is entitled to relocation assistance under this chapter is entitled to payment only after submitting an application which includes: (a) A copy of the notice from the park-owner that the tenancy is terminated due to closure of the park; (b) a copy of the rental agreement currently in force; and (c) a copy of the contract entered into for the purpose of relocating the mobile home, which includes the date of relocation.

(4) The director may adopt rules for the administration of the fund.

Sec. 75. RCW 70.95E.080 and 1990 c 114 s 18 are each amended to read as follows:

The hazardous waste assistance account is hereby created in the state treasury. The following moneys shall be deposited into the hazardous waste assistance account:

- (1) Those revenues which are raised by the fees imposed under RCW 70.95E.020 and 70.95E.030;
 - (2) Penalties and surcharges collected under chapter 70.95C RCW and this chapter;
- and

(3) Any other moneys appropriated or transferred to the account by the legislature. ~~((All earnings from investment of balances in the hazardous waste assistance account, except as provided in RCW 43.84.090, shall be credited to the hazardous waste assistance account.))~~ Moneys in the hazardous waste assistance account may be spent only for the purposes of this chapter following legislative appropriation.

Sec. 76. RCW 28B.30.741 and 1969 ex.s. c 223 s 28B.30.741 are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for a scientific school; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "Washington State University bond retirement fund" to be expended for the purposes set forth in RCW 28B.30.740.

Sec. 77. RCW 28B.30.742 and 1969 ex.s. c 223 s 28B.30.742 are each amended to read as follows:

Whenever federal law shall permit ~~((, but in no event prior to July 1, 1967,))~~ all moneys received from the lease or rental of lands set apart by the enabling act for an agricultural college, all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon, except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the Washington State University bond retirement fund to be expended for the purposes set forth in RCW 28B.30.740.

Sec. 78. RCW 28B.20.810 and 1969 ex.s. c 223 s 28B.20.810 are each amended to read as follows:

The board of regents of the University of Washington is empowered to authorize from time to time the transfer from the state university permanent fund to be held in reserve in the bond retirement fund created by RCW 28B.20.720 any unobligated funds and investments derived from lands set apart for the support of the university by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, to the extent required to comply with bond covenants regarding principal and interest payments and reserve requirements for bonds payable out of the bond retirement fund up to a total amount of five million dollars, and to transfer any or all of said unobligated funds and investments in excess of five million dollars to the university building account created by RCW 43.79.330(22). Any funds transferred to the bond retirement fund pursuant to this section shall be replaced by moneys first available out of the moneys required to be deposited in such fund pursuant to RCW 28B.20.800. The board is further empowered to direct the state finance committee to convert any investments in such permanent fund acquired with funds derived from such lands into cash or obligations of or guaranteed by the United States of America prior to the transfer of such funds and investments to such reserve account or building account.

~~((All interest earned on and profits derived from the sale of any investments of money in such University of Washington bond retirement fund shall be deposited in and become a part of such fund.))~~

NEW SECTION. Sec. 79. A new section is added to chapter 43.63A RCW to read as follows:

The state fire service training center bond retirement account of 1977 is hereby reestablished as an account within the treasury for the purpose of the payment of the principal of and interest on the bonds authorized to be issued pursuant to chapter 349, Laws of 1977 ex. sess., or chapter 470, Laws of 1985 or, if the legislature so determines,

for any bonds and notes hereafter authorized and issued for the commission for vocational education or the statutory successor to its powers and duties involving the state fire training center.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund such amounts and at such times as are required by the bond proceedings.

Sec. 80. RCW 28B.14C.060 and 1977 ex.s. c 354 s 6 are each amended to read as follows:

There is hereby created in the state treasury the institutions of higher education refunding bond retirement fund of 1977, which fund shall be devoted to the payment of principal of, interest on and redemption premium, if any, on the bonds authorized to be issued pursuant to this chapter.

The state finance committee shall, on or before June 30 of each year, certify to the state treasurer the amount needed in the next succeeding twelve months to pay the installments of principal of and interest on the refunding bonds coming due in such period. The state treasurer shall, not less than thirty days prior to the due date of each installment, withdraw from any general state revenues received in the state treasury an amount equal to the amount certified by the state finance committee as being required to pay such installment; shall deposit such amount in the institutions of higher education refunding bond retirement fund of 1977; and shall apply in a timely manner the funds so deposited to the payment of the installment due on the bonds.

~~((Moneys in the said bond retirement fund may be invested as determined by the state finance committee. Any interest and profits derived from such interim investment shall be deposited into the said bond retirement fund.))~~

Sec. 81. RCW 43.79A.020 and 1984 c 7 s 47 are each amended to read as follows:

There is created a trust fund outside the state treasury to be known as the "treasurer's trust fund." All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973, shall be placed in the treasurer's trust fund and be subject to the terms of this chapter. Funds of the state department of transportation shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the department. In order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable. Except for department of transportation trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer. All income received from the treasurer's trust fund investments shall be deposited in the investment income account pursuant to RCW 43.79A.040.

Sec. 82. RCW 43.79A.040 and 1973 1st ex.s. c 15 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. ~~((On or before July 20 of each year))~~ Monthly, the state treasurer shall distribute ~~((all money in))~~ the earnings credited to the investment income account ~~((in the following manner. Twenty percent to the treasurer's service fund in the state treasury to help defray the costs of managing the treasurer's trust fund. The remaining eighty percent shall be~~

divided among the various agency accounts from which such investments were made, in proportion to the respective balances thereof)) to the state general fund except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The American Indian scholarship endowment fund, the energy account, the game farm alternative account, and the self-insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the federal narcotics asset forfeitures account, the ferry system account, the ferry system insurance claim reserve account, the ferry system operation and maintenance account, the ferry system revenue account, the ferry system revenue bond account, the high occupancy vehicle account, and the local rail service assistance account.

(3) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 83. RCW 43.08.190 and 1985 c 405 s 506 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

(The office of financial management may direct the state treasurer to transfer to the general fund an amount not to exceed two million dollars from the state treasurer's service fund for the 1983-85 fiscal biennium.) Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040(2)(b) or 43.84.092(2)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

Sec. 84. RCW 90.48.390 and 1991 c 200 s 815 are each amended to read as follows:

The coastal protection fund is established to be used by the department as a revolving fund for carrying out the purposes of restoration of natural resources under this chapter and chapter 90.56 RCW. To this fund there shall be credited penalties, fees, damages, charges received pursuant to the provisions of this chapter and chapter 90.56 RCW, compensation for damages received under this chapter and chapter 90.56 RCW, and an amount equivalent to one cent per gallon from each marine use refund claim under RCW 82.36.330.

Moneys in the fund not needed currently to meet the obligations of the department in the exercise of its powers, duties, and functions under RCW 90.48.142, 90.48.366, 90.48.367, and 90.48.368 shall be deposited with the state treasurer to the credit of the fund ~~((and may be invested in such manner as is provided for by law. Interest received on such investment shall be credited to the fund)).~~

Sec. 85. RCW 28C.10.082 and 1987 c 459 s 2 are each amended to read as follows:

The tuition recovery fund is hereby established in the custody of the state treasurer. The agency shall deposit in the fund all moneys received under RCW 28C.10.084. Moneys in the fund may be spent only for the purposes under RCW 28C.10.084. Disbursements from the fund shall be on authorization of the agency. The fund is subject

to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements. ~~((All earnings of investments of such balances shall be credited to the tuition recovery fund.))~~

Sec. 86. RCW 43.250.030 and 1990 c 106 s 2 are each amended to read as follows:

There is created a trust fund ~~((in the state treasury))~~ to be known as the public funds investment account. The account is to be separately accounted for and invested by the state treasurer. All moneys remitted under this chapter shall be deposited in this account. ~~((The))~~ All earnings on any balances in the public funds investment account, less moneys for administration pursuant to RCW 43.250.060, shall be credited to the public funds investment account~~((, notwithstanding RCW 43.84.090)).~~

Sec. 87. RCW 43.185.030 and 1991 c 356 s 3 are each amended to read as follows:

There is hereby created ~~((a fund))~~ in the ~~((office of the treasurer))~~ state treasury an account to be known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources.

Sec. 88. RCW 28B.10.882 and 1987 c 147 s 3 are each amended to read as follows:

Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund.))~~ At the request of the higher education coordinating board under RCW 28B.10.884, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. 89. RCW 59.22.030 and 1987 c 482 s 4 are each amended to read as follows:

The mobile home park purchase ~~((fund))~~ account is hereby created ~~((and shall be maintained))~~ in the ~~((office of the treasurer))~~ state treasury. The purpose of this ~~((fund))~~ account is to provide loans according to the provisions of this chapter and for related administrative costs of the department. The ~~((fund))~~ account shall include appropriations, loan repayments, ~~((interest,))~~ and any other money from private sources made available to the state for the purposes of this chapter. Owners of mobile home parks shall not be assessed for the purposes of this ~~((fund))~~ account.

Sec. 90. RCW 70.148.020 and 1991 c 4 s 7 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. The account is subject to allotment procedures under chapter 43.88 RCW. Expenditures for payment of the costs of administering the program may be made only after appropriation by statute. No appropriation is required for other expenditures from the account. ~~((The earnings on any surplus balances in the pollution liability insurance program trust account shall be credited to the account notwithstanding RCW 43.84.090.))~~

(2) Each calendar quarter, the director shall report to the insurance commissioner and the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions committees, the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall report to the chairs of the senate ways and means, senate financial institutions, house of representatives revenue, and house of representatives financial institutions and insurance committees, the amount of reserves necessary to fund commitments made to provide financial assistance under section 2,

chapter 4, Laws of 1991, to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

Sec. 91. RCW 4.92.220 and 1989 c 419 s 5 are each amended to read as follows:

(1) A risk management account is hereby created in the treasury to be an appropriated account used exclusively for the payment of costs related to:

(a) The administration of liability, property and vehicle claims, including investigation, claim processing, negotiation and settlement, and other expenses relating to settlements and judgments against the state not otherwise budgeted; and

(b) Purchase of liability and property insurance, including catastrophic insurance, subject to policy conditions and limitations determined by the risk manager.

(2) ~~((Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.~~

~~((3))~~ The risk management account shall be financed through a combination of direct appropriations and assessments to state agencies.

Sec. 92. RCW 4.92.130 and 1989 c 419 s 4 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages exclusive of legal defense costs and agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) ~~((Earnings on the account's assets shall be credited to the account, notwithstanding RCW 43.84.090.~~

~~((5))~~ The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

~~((6))~~ (5) Annual premium levels shall be determined by the risk manager, with the consultation and advice of the risk management advisory committee and concurrence from the office of financial management. An actuarial study shall be conducted to assist in determining the appropriate level of funding.

~~((7))~~ (6) Disbursements from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

~~((8))~~ (7) The director of the office of financial management may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

~~((9))~~ (8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the office of risk management. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the office of risk management in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount will be prorated back to the appropriate funds.

Sec. 93. RCW 43.84.051 and 1965 ex.s. c 104 s 5 are each amended to read as follows:

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his or her custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

Sec. 94. RCW 43.79.130 and 1965 c 8 s 43.79.130 are each amended to read as follows:

There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account less the allocation to the state treasurer's service account pursuant to RCW 43.08.190.

Sec. 95. RCW 28B.35.751 and 1977 ex.s. c 169 s 87 are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160; and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington University, Central Washington University, Western Washington University and The Evergreen State College capital projects accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28B.35.750, as now or hereafter amended. Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College shall be credited with one-fourth of the total amount: PROVIDED, That Eastern Washington University, Central Washington University and Western Washington University shall each be credited with one-third of the total amount for so long as there remain unpaid and outstanding any bonds which are payable in whole or in part out of the moneys, interest or income described in this section.

Sec. 96. RCW 43.79.110 and 1965 c 8 s 43.79.110 are each amended to read as follows:

There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

Sec. 97. RCW 28B.20.800 and 1969 ex.s. c 223 s 28B.20.800 are each amended to read as follows:

All moneys hereafter received from the lease or rental of lands set apart for the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws

of 1893, and all interest or income arising from the proceeds of the sale of such land, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160, and all proceeds from the sale of timber, fallen timber, stone, gravel, or other valuable material and all other receipts therefrom shall be deposited to the credit of the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28B.20.720. All proceeds of sale of such lands, exclusive of ~~((interest))~~ investment income, shall be deposited to the credit of the state university permanent fund, shall be retained therein and shall not be transferred to any other fund or account. All interest earned or income received from the investment of the money in the state university permanent fund shall be deposited to the credit of the University of Washington bond retirement fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160.

As a part of the contract of sale of bonds payable out of the University of Washington bond retirement fund, the board of regents of the University of Washington may covenant that all moneys derived from the above provided sources, which are required to be paid into the bond retirement fund, shall continue to be paid into such bond retirement fund for as long as any of such bonds are outstanding.

Sec. 98. RCW 41.24.030 and 1989 c 194 s 1 and 1989 c 91 s 1 are each reenacted and amended to read as follows:

There is created in the state treasury a trust fund for the benefit of the fire fighters of the state covered by this chapter, which shall be designated the volunteer fire fighters' relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.
 (2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) Ten dollars for each volunteer or part-paid member of its fire department;
 (b) A sum equal to one and one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available' to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its fire fighters electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fire fighter.

(4) Forty percent of all moneys received by the state from taxes on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state investment board, upon request of the state treasurer shall have full power to invest or reinvest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments shall be made in the manner prescribed by RCW 43.84.150 and not otherwise.

(6) All bonds or other obligations purchased according to subsection (5) of this section shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state investment board may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund and invested by the state investment board shall be credited to and form a part of the fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

Sec. 99. RCW 28B.10.868 and 1987 c 8 s 3 are each amended to read as follows:

Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the fund shall be credited to the fund.))~~ At the request of the higher education coordinating board under RCW 28B.10.870, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund.

Sec. 100. RCW 41.05.120 and 1988 c 107 s 10 are each amended to read as follows:

(1) The state employees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, reserves, dividends, and refunds, and for payment of premiums for employee insurance benefit contracts. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the account shall be credited to the account.))~~

(2) The state treasurer and the state investment board may invest moneys in the state employees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the state employees' insurance account.

Sec. 101. RCW 41.04.260 and 1987 c 475 s 11 and 1987 c 121 s 1 are each reenacted and amended to read as follows:

(1) There is hereby created a committee for deferred compensation to be composed of five members appointed by the governor, one of whom shall be a representative of an employee association or union certified as an exclusive representative of at least one bargaining unit of classified employees, one who shall be a representative of either a credit union, savings and loan association, mutual savings bank or bank, one who possesses expertise in the area of insurance or investment of public funds, one who shall be the state attorney general or his designee, and one additional member selected by the governor. The committee shall serve without compensation but shall receive travel expenses as provided for in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(2) The deferred compensation principal account is hereby created in the state treasury. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from that account over earnings of investments of balances credited to that account shall be ~~((transferred))~~ eliminated by transferring moneys to that account from the deferred compensation principal account.

The amount of compensation deferred by employees under agreements entered into under the authority contained in RCW 41.04.250 shall be paid into the deferred compensation principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by this committee. The deferred compensation principal account shall be used to carry out the purposes of RCW 41.04.250. All eligible state employees shall be given the opportunity to participate in agreements entered into by the committee under RCW 41.04.250. State agencies shall cooperate with the committee in providing employees with the opportunity to participate. Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the committee under RCW 41.04.250, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the deferred compensation principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the

purpose of determining eligible investments and deposits of the moneys therein. All moneys in the deferred compensation principal account, all property and rights purchased therewith, and all income attributable thereto, shall remain (until made available to the participating employee or other beneficiary) solely the money, property, and rights of the state and participating counties, municipalities and subdivisions (without being restricted to the provision of benefits under the plan) subject only to the claims of the state's and participating jurisdictions' general creditors. Participating jurisdictions shall each retain property rights separately.

(3) The state investment board, at the request of the deferred compensation committee, is authorized to invest moneys in the deferred compensation principal account in accordance with RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation principal account. ~~((The earnings on any surplus balances in the deferred compensation principal account shall be credited to the deferred compensation principal account, notwithstanding RCW 43.84.090.))~~

(4) The deferred compensation administrative account is hereby created in the state treasury. All expenses of the committee including staffing and administrative expenses shall be paid out of the deferred compensation administrative account. ~~((Notwithstanding RCW 43.84.090, all earnings of investments of balances in the deferred compensation administrative account shall be credited to this account.))~~ Any excess of earnings of investments of balances credited to this account over administrative expenses disbursed from this account shall be ~~((expended))~~ transferred to the deferred compensation principal account. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account over earnings of investments of balances credited to this account shall be transferred to this account from the deferred compensation principal account.

(5) In addition to the duties specified in this section and RCW 41.04.250, the deferred compensation committee shall administer the salary reduction plan established in RCW 41.04.600 through 41.04.645.

(6) The deferred compensation committee shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions, and affairs of any deferred compensation plans created under RCW 41.04.250 through 41.04.260.

The deferred compensation committee shall file an annual report of the financial condition, transactions, and affairs of the deferred compensation plans under the committee's jurisdiction. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, the governor, and the state auditor.

(7) Members of the deferred compensation committee shall be deemed to stand in a fiduciary relationship to the employees participating in the deferred compensation plans created under RCW 41.04.250 through 41.04.260 and shall discharge the duties of their respective positions in good faith and with that diligence, care, and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

(8) The committee may adopt rules necessary to carry out the purposes of RCW 41.04.250 and 41.04.260.

Sec. 102. RCW 90.50A.020 and 1988 c 284 s 3 are each amended to read as follows:

(1) The water pollution control revolving fund is hereby established in the custody of the state treasurer. Moneys in this fund are not subject to legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) All state matching funds appropriated or authorized by the legislature;

- (c) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;
 - (d) All repayments of moneys borrowed from the fund;
 - (e) All interest payments made by borrowers from the fund;
 - (f) Any other fee or charge levied in conjunction with administration of the fund;
- and

(g) Any new funds as a result of leveraging.

~~((3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.))~~

Sec. 103. RCW 2.14.080 and 1989 c 139 s 3 are each amended to read as follows:

(1) The administrator for the courts shall:

- (a) Deposit or invest the contributions under RCW 2.14.090 in a credit union, savings and loan association, bank, or mutual savings bank;
- (b) Purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or investment company licensed to contract business in this state; or
- (c) Invest in any of the class of investments described in RCW 43.84.150.

(2) The state investment board or the committee for deferred compensation, at the request of the administrator for the courts, may invest moneys in the principal account. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150. Moneys invested by the committee for deferred compensation shall be invested in accordance with RCW 41.04.250. Except as provided in RCW 43.33A.160 or as necessary to pay a pro rata share of expenses incurred by the committee for deferred compensation, one hundred percent of all earnings from these investments, exclusive of investment income pursuant to RCW 43.84.080, shall accrue directly to the principal account. ~~((The earnings on any surplus balances in the principal account shall be credited to the principal account, notwithstanding RCW 43.84.090.))~~

Sec. 104. RCW 46.68.210 and 1990 c 42 s 411 are each amended to read as follows:

(1) The Puyallup tribal settlement account is hereby created in the motor vehicle fund. All moneys designated by the "Agreement between the Puyallup Tribe of Indians, local governments in Pierce county, the state of Washington, the United States of America, and certain private property owners," dated August 27, 1988, (the "agreement") for use by the department of transportation on the Blair project as described in the agreement shall be deposited into the account, including but not limited to federal appropriations for the Blair project, and appropriations contained in section 34, chapter 6, Laws of 1989 1st ex. sess. and section 709, chapter 19, Laws of 1989 1st ex. sess.

(2) All moneys deposited into the account shall be expended by the department of transportation pursuant to appropriation solely for the Blair project as described in the agreement.

~~((3) All earnings of investments of balances in the account shall be credited to the account.))~~

Sec. 105. RCW 81.100.070 and 1990 c 43 s 18 are each amended to read as follows:

Funds collected by the department of revenue or other entity under RCW 81.100.030, or by the department of licensing under RCW 81.100.060, less the deduction for collection expenses, shall be deposited in the high occupancy vehicle account hereby created in the custody of the state treasurer. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the account to the counties on whose behalf the funds were received. The state treasurer shall make the distribution under this section without appropriation. ~~((All earnings of~~

~~investments of balances in this account shall be credited to this account except as provided in RCW 43.84.090 and 43.84.092.)~~

Sec. 106. RCW 28B.20.468 and 1990 c 282 s 4 are each amended to read as follows:

The Warren G. Magnuson institute trust fund is hereby established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the trust fund. ~~((All moneys deposited in the trust fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund.))~~ At the request of the board of regents of the University of Washington, and when conditions set forth in RCW 28B.20.470 are met, the treasurer shall release state matching moneys in the fund to the University of Washington's local endowment fund. No appropriation is required for expenditures from the trust fund.

Sec. 107. RCW 28B.108.050 and 1990 c 287 s 6 are each amended to read as follows:

The American Indian endowed scholarship trust fund is established. The trust fund shall be administered by the state treasurer. Funds appropriated by the legislature for the trust fund shall be deposited into the fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the trust fund shall be credited to the fund.))~~ At the request of the higher education coordinating board, and when conditions set forth in RCW 28B.108.070 are met, the treasurer shall deposit state matching moneys in the trust fund into the American Indian endowment fund. No appropriation is required for expenditures from the trust fund.

Sec. 108. RCW 28B.50.837 and 1990 c 29 s 2 are each amended to read as follows:

(1) The Washington community college exceptional faculty awards program is established. The program shall be administered by the state board for community college education. The community college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community college exceptional faculty awards program shall be deposited in the community college faculty awards trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund.))~~ At the request of the state board for community college education, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is necessary for the expenditure of moneys from the fund.

Sec. 109. RCW 28B.50.837 and 1991 c 238 s 63 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. ~~((All moneys deposited in the fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the fund shall be credited to the fund.))~~ At the request of the college board, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is necessary for the expenditure of moneys from the fund.

Sec. 110. RCW 28B.108.060 and 1990 c 287 s 7 are each amended to read as follows:

The American Indian scholarship endowment fund is established. The endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. ~~((All moneys deposited in the endowment fund shall be invested by the state treasurer. Notwithstanding RCW 43.84.090, all earnings of investments of balances of the endowment fund shall be credited to the endowment fund.))~~ At the request of the higher education coordinating board, the treasurer shall release earnings from the endowment fund to the board for scholarships. No appropriation is required for expenditures from the endowment fund.

The principal of the endowment fund shall not be invaded. The earnings on the fund shall be used solely for the purposes set forth in RCW 28B.108.040.

Sec. 111. RCW 41.48.065 and 1983 1st ex.s. c 6 s 1 are each amended to read as follows:

There is hereby established a separate fund in the custody of the state treasurer to be known as the OASI revolving fund. The fund shall consist of all moneys designated for deposit in the fund ~~((and the interest earnings therefrom))~~. The OASI revolving fund shall be used exclusively for the purpose of this section. Withdrawals from the fund shall be made for the payment of amounts the state may be obligated to pay or forfeit by reason of any failure of any public agency to pay assessments on contributions or interest assessments required under the federal-state agreement under this chapter or federal regulations.

The treasurer of the state shall be ex officio treasurer and custodian of the fund and shall administer the fund in accordance with this chapter and the directions of the governor and shall pay all amounts drawn upon it in accordance with this section and with the regulations the governor may prescribe under this section.

Sec. 112. RCW 41.48.060 and 1973 c 126 s 14 are each amended to read as follows:

(1) There is hereby established a special ~~((fund))~~ account in the state treasury to be known as the OASI contribution ~~((fund. All interest earnings presently in and all interest earnings accruing to this fund in accordance with RCW 39.58.120 shall be deposited in the state's general fund))~~ account. Such ~~((fund))~~ account shall consist of and there shall be deposited in such ~~((fund))~~ account: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the ~~((fund))~~ account; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the ~~((fund))~~ account and all other moneys received for the ~~((fund))~~ account from any other source. All moneys in the ~~((fund))~~ account shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the ~~((fund))~~ account, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter.

(2) The OASI contribution ~~((fund))~~ account shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such ~~((fund))~~ account shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution ~~((fund))~~ account the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution ~~((fund))~~ account and shall administer such ~~((fund))~~ account in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto.

Sec. 113. RCW 28A.520.020 and 1990 c 33 s 430 are each amended to read as follows:

(1) There shall be a fund known as the federal forest revolving ~~((fund))~~ account. The state treasurer, who shall be custodian of the revolving ~~((fund))~~ account, shall deposit into the revolving ~~((fund))~~ account the funds for each county received by the state in accordance with Title 16, section 500, United States Code. The state treasurer shall distribute these moneys to the counties according to the determined proportional area. The county legislative authority shall expend fifty percent of the money for the benefit of the public roads and other public purposes as authorized by federal statute or public schools of such county and not otherwise. Disbursements by the counties of the remaining fifty percent of the money shall be as authorized by the superintendent of public instruction, or the superintendent's designee, and shall occur in the manner provided in subsection (2) of this section.

(2) No later than thirty days following receipt of the funds from the federal government, the superintendent of public instruction shall apportion moneys distributed to counties for schools to public school districts in the respective counties in proportion to the number of full time equivalent students enrolled in each public school district to the number of full time equivalent students enrolled in public schools in the county. In apportioning these funds, the superintendent of public instruction shall utilize the October enrollment count.

(3) If the amount received by any public school district pursuant to subsection (2) of this section is less than the basic education allocation to which the district would otherwise be entitled, the superintendent of public instruction shall apportion to the district, in the manner provided by RCW 28A.510.250, an amount which shall be the difference between the amount received pursuant to subsection (2) of this section and the basic education allocation to which the district would otherwise be entitled.

(4) All federal forest funds shall be expended in accordance with the requirements of Title 16, section 500, United States Code, as now existing or hereafter amended.

Sec. 114. RCW 2.10.080 and 1981 c 3 s 22 are each amended to read as follows:

(1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer~~((and))~~. All ~~((interest))~~ investment income earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him or her and placed to the credit of the retirement fund, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160 and to the state treasurer's service fund pursuant to RCW 43.08.190.

(3) The state investment board established by RCW 43.33A.020 has full power to invest or reinvest the funds of this system in those classes of investments authorized by RCW 43.84.150.

(4) For the purpose of providing amounts to be used to defray the cost of administration, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

Sec. 115. RCW 43.160.080 and 1987 c 422 s 6 are each amended to read as follows:

There shall be a fund known as the public facilities construction loan revolving ~~((fund))~~ account, which shall consist of all moneys collected under this chapter, except moneys of the board collected in connection with the issuance of industrial development revenue bonds, and any moneys appropriated to it by law: PROVIDED, That seventy-five percent of all principal and interest payments on loans made with the proceeds deposited in the ~~((fund))~~ account under section 901, chapter 57, Laws of 1983 1st ex. sess. shall be deposited in the general fund as reimbursement for debt service payments on the bonds authorized in RCW 43.83.184. The state treasurer shall be custodian of the revolving ~~((fund))~~ account. Disbursements from the revolving ~~((fund))~~ account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving ~~((fund))~~ account shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the ~~((fund-~~

~~Moneys in this fund not needed to meet the current expenses and obligations of the board shall be invested in the manner authorized for moneys in revolving funds. Any interest earned shall be deposited in this fund and shall be used for the purposes specified in this chapter. The state treasurer shall render reports to the board advising of the status of any funds invested, the market value of the assets as of the date the statement is rendered, and the income received from the investments during the period covered by the report))~~ account.

Sec. 116. RCW 74.18.230 and 1985 c 97 s 2 and 1985 c 57 s 72 are each reenacted and amended to read as follows:

(1) There is established in the state treasury an account known as the business enterprises revolving account.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises revolving fund. Net proceeds, for purposes of this section, means the gross amount received less the costs of the operation, including a fair minimum return to the vending machine owner, which return shall not exceed a reasonable amount to be determined by the department.

(3) All moneys in the business enterprises revolving fund shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving fund and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

(5) Vocational rehabilitation funds may be spent in connection with the business enterprises program for training persons to become licensees and for other services that are required to complete an individual written rehabilitation program.

~~((6) All earnings of investments of balances in the business enterprises revolving account shall be credited to the business enterprises revolving account.))~~

Sec. 117. RCW 28B.20.253 and 1975-'76 2nd ex.s. c 12 s 2 are each amended to read as follows:

(1) A self-insurance revolving fund in the custody of the treasurer is hereby created to be used solely and exclusively by the board of regents of the University of Washington for the following purposes:

(a) The payment of judgments against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250.

(b) The payment of claims against the university, its schools, colleges, departments, and hospitals and against its regents, officers, employees, agents, and students for whom the defense of an action, claim, or proceeding has been provided pursuant to RCW 28B.20.250: PROVIDED, That payment of claims in excess of twenty-five hundred dollars must be approved by the state attorney general.

(c) For the cost of investigation, administration, and defense of actions, claims, or proceedings, and other purposes essential to its liability program.

(2) Said self-insurance revolving fund shall consist of periodic payments by the University of Washington from any source available to it in such amounts as are deemed reasonably necessary to maintain the fund at levels adequate to provide for the anticipated cost of payments of incurred claims and other costs to be charged against the fund.

(3) No money shall be paid from the self-insurance revolving fund unless first approved by the board of regents, and unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted.

(4) The state investment board shall invest moneys in the self-insurance revolving fund. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150.

Sec. 118. RCW 79.71.090 and 1991 c 352 s 8 are each amended to read as follows:

There is hereby created the natural resources conservation areas stewardship account in the state treasury to ensure proper and continuing management of land acquired or designated pursuant to this chapter. Funds for the stewardship account shall be derived from appropriations of state general funds, federal funds, grants, donations, gifts, bond issue receipts, securities, and other monetary instruments of value. Income derived from the management of natural resources conservation areas shall also be deposited in this stewardship account. ~~((The state treasurer may not deduct a fee for managing the funds in the stewardship account.))~~

Appropriations from this account to the department shall be expended for no other purpose than the following: (1) To manage the areas approved by the legislature in fulfilling the purposes of this chapter; (2) to manage property acquired as natural area preserves under chapter 79.70 RCW; (3) to manage property transferred under the authority and appropriation provided by the legislature to be managed under chapter 79.70 RCW or this chapter or acquired under chapter 43.98A RCW; and (4) to pay for operating expenses for the natural heritage program under chapter 79.70 RCW.

Sec. 119. RCW 81.100.070 and 1990 c 43 s 18 are each amended to read as follows:

Funds collected by the department of revenue or other entity under RCW 81.100.030, or by the department of licensing under RCW 81.100.060, less the deduction for collection expenses, shall be deposited in the high occupancy vehicle account hereby created in the custody of the state treasurer. On the first day of the months of January, April, July, and October of each year, the state treasurer shall distribute the funds in the account to the counties on whose behalf the funds were received. The state treasurer shall make the distribution under this section without appropriation. ~~((All earnings of investments of balances in this account shall be credited to this account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 120. RCW 47.76.160 and 1991 c 363 s 127 are each amended to read as follows:

(1) The essential rail banking account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes specified in this section.

(2) Moneys in the account may be used by the department to:

(a) Purchase unused rail rights of way; or

(b) Provide up to eighty percent of the funding through loans to first class cities, port districts, counties, and county rail districts to purchase unused rail rights of way.

(3) Use of the moneys pursuant to subsection (2) of this section shall be for rights of way that meet the following criteria:

(a) The right of way has been identified, evaluated, and analyzed in the state rail plan prepared pursuant to this chapter;

(b) The right of way may be or has been abandoned;

(c) The right of way has potential for future rail service; and

(d) Reestablishment of rail service would benefit the state of Washington; and this benefit shall be based on the public and private costs and benefits of reestablishing the service compared with alternative service including necessary road improvement costs, or of taking no action.

Funds in the account may be expended for this purpose only with legislative appropriation. Funds for acquisition of any line shall be expended only after obtaining the approval of the legislative transportation committee. The department may also expend funds from the receipt of a donation of funds sufficient to cover the property acquisition and management costs. The department may receive donations of funds for this purpose, which shall be conditioned upon, and made in consideration for the repurchase rights contained in RCW 47.76.040. The department or the participating local jurisdiction shall be responsible for maintaining the right of way, including provisions for fire and weed control and for liability associated with ownership. Nothing in this section and in RCW 47.76.140 and 47.76.030 shall be interpreted or applied so as to impair the reversionary rights of abutting landowners, if any, without just compensation.

~~((4) All earnings of investments of balances in the essential rail banking account shall be credited to that account except as provided in RCW 43.84.090 and 43.84.092.))~~

Sec. 121. RCW 47.78.010 and 1990 c 43 s 47 are each amended to read as follows:

There is hereby established in the state treasury the high capacity transportation account. Money in the account shall be used, after appropriation, for local high capacity transportation purposes including rail freight. ~~((All earnings of investments of any balances in the high capacity transportation account shall be credited to the account except as provided in RCW 43.84.090 and 43.84.092.))~~

NEW SECTION. Sec. 122. The following acts or parts of acts are each repealed:

(1) RCW 43.84.090 and 1990 2nd ex.s. c 1 s 203, 1990 c 106 s 5, 1985 c 233 s 5, 1981 c 242 s 2, 1975-'76 2nd ex.s. c 123 s 1, 1969 c 50 s 1, 1967 c 66 s 1, 1965 ex.s. c 82 s 1, & 1965 c 8 s 43.84.090;

(2) RCW 43.185.040 and 1986 c 298 s 5;

(3) RCW 46.09.290 and 1986 c 206 s 14;

(4) RCW 70.48.120 and 1987 c 462 s 8, 1986 c 118 s 8, 1981 c 276 s 1, & 1977 ex.s. c 316 s 12;

(5) RCW 43.31.958 and 1985 c 57 s 31 & 1979 ex.s. c 260 s 2;

(6) RCW 43.99C.040 and 1985 c 57 s 55 & 1979 ex.s. c 221 s 7;

(7) RCW 27.60.060 and 1985 c 291 s 3, 1985 c 57 s 8, & 1984 c 120 s 2;

(8) RCW 28B.31.040 and 1985 c 57 s 14 & 1977 ex.s. c 344 s 4;

(9) RCW 75.48.030 and 1985 c 57 s 73, 1983 1st ex.s. c 46 s 163, & 1977 ex.s. c 308 s 3;

(10) RCW 28B.56.030 and 1985 c 57 s 17 & 1972 ex.s. c 133 s 3;

(11) RCW 43.83I.166 and 1985 c 57 s 50 & 1979 ex.s. c 224 s 4;

(12) RCW 36.22.180 and 1989 c 204 s 4;

(13) RCW 43.79.415 and 1974 ex.s. c 53 s 1 & 1973 1st ex.s. c 129 s 1; and

(14) RCW 79.64.055 and 1967 ex.s. c 63 s 3.

Sec. 123. RCW 82.14.050 and 1991 1st ex.s. c ... s 34 (section 34 of this act) are each amended to read as follows:

The counties, cities, and transportation authorities under RCW 82.14.045 and public facilities of districts under chapter 36.100 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and

collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter which is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, and public facilities districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. ~~((Except as provided in RCW 43.08.190,))~~ All earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, and public facilities districts monthly.

Sec. 124. RCW 28B.30.730 and 1991 1st ex.s. c ... s 50 (section 50 of this act) are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of Washington State University or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner and at such price as the board may prescribe;
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:
 - (a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement account, to set aside and maintain the

reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement account to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investible balances of scientific permanent fund and agricultural permanent fund(~~(, less the allocation to the state treasurers' service account pursuant to RCW 43.08.190)).~~

Sec. 125. RCW 43.84.092 and 1991 1st ex.s. c ... s 57 (section 57 of this act) are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit ~~((the general fund with all the earnings credited to the treasury income account except:~~

(a)) the ((following)) various accounts and funds ((shall receive)) in the state treasury with eighty percent of their proportionate share of earnings based upon each account's and fund's average daily balance for the period(~~(: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the Eastern Washington University capital projects account, the federal forest revolving account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local sales and use tax account, the medical aid account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the perpetual surveillance and maintenance account, the public employees' retirement system plan I account, the public employees' retirement system plan II account, the public service revolving fund, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan I account, the teachers' retirement system plan II account, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' relief and pension principal account, the volunteer fire fighters' relief and pension administrative account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan I retirement account, the Washington law enforcement officers' and fire fighters' system~~

~~plan II retirement account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (2)(a) shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190.~~

~~(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The central Puget Sound public transportation account, the city hardship assistance account, the county arterial preservation account, the economic development account, the essential rail assistance account, the essential rail banking account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway construction stabilization account, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the special category C account, the state patrol highway account, the transfer relief account, the transportation capital facilities account, the transportation equipment fund, the transportation fund, the transportation improvement account, and the urban arterial trust account)) and shall credit the general fund with the remaining twenty percent except:~~

~~(a) The following funds and accounts shall receive one hundred percent of their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aquatic land dredged material disposal site account; the basic health plan trust account; the business enterprises revolving account; the coastal protection fund; the deferred compensation administrative account; the deferred compensation principal account; the grain indemnity fund; the institutions of higher education refunding bond retirement fund of 1977; the judicial retirement administrative account; the landowner contingency forest fire suppression account; the liability account; the low-income weatherization assistance account; the OASI revolving fund; the principal account; the public facilities construction loan revolving account; the Puyallup tribal settlement account; the risk management account; the state and local improvements revolving account; Waste Disposal Facilities, 1980; the state employees' insurance account; the state investment board expense account; the tuition recovery fund; and the University of Washington bond retirement fund.~~

~~(b) The general fund shall receive one hundred percent of the proportionate share of earnings of the following accounts and funds based upon each account's and fund's average daily balance for the period: The aeronautics account; the agency payroll revolving fund; the aircraft search and rescue, safety, and education account; the architects' license account; the archives and record management account; the budget stabilization account; the certified public accountants' account; the charitable, educational, penal and reformatory institutions account; the 1975 community college capital construction account; the community college capital projects account; the county sales and use tax equalization account; the death investigations' account; the flood control assistance account; the geothermal account; the health professions account; the hospital commission; the hospital data collection account; the industrial insurance premium refund account; the institutional impact account; the litter control account; the marine fuel tax refund account; the medical disciplinary account; the motor transport account; the municipal sales and use tax equalization account; the outdoor recreation account; the parkland acquisition account; the professional engineers' account; the public safety and education account; the snowmobile account; the special fund salary and insurance~~

contribution increase revolving fund; the special fund semimonthly payroll revolving fund; the special grass seed burning research account; the surveys and maps account; the state building construction account; the state capitol historical association museum account; the state capitol vehicle parking account; the state educational grant account; the state higher education construction account; the state school equalization fund; the timber tax distribution account; the trust land purchase account; and the winter recreational program account.

(c) The state treasurer's service fund shall receive eighty percent of the proportionate share of earnings of the following funds and accounts based upon each account's and fund's average daily balance for the period and the general fund shall receive the remaining twenty percent: The federal forest revolving fund; the liquor excise tax fund; the treasury income account; the suspense account; the undistributed receipts account; the state payroll revolving account; the agency vendor payment revolving fund; and the local leasehold excise tax account.

(3) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 126. RCW 28A.515.320 and 1991 1st ex.s. c ... s 58 (section 58 of this act) are each amended to read as follows:

The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from sale or appropriation of timber and other crops from school and state land other than those granted for specific purposes; (2) the interest accruing on the permanent-common school fund (~~less the allocations to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160~~) together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund; (3) all moneys received by the state from the United States under the provisions of section 191, Title 30, United States Code, Annotated, and under section 810, chapter 12, Title 16, (Conservation), United States Code, Annotated, except moneys received before June 30, 2001, and when thirty megawatts of geothermal power is certified as commercially available by the receiving utilities and the state energy office, eighty percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to RCW 43.140.030; and (4) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund (~~less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160~~) together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest, income foregone, before the end of the next fiscal biennium following such use.

Sec. 127. RCW 43.200.080 and 1991 1st ex.s. c ... s 60 (section 60 of this act) are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965 and the sublease between the state of Washington and the site operator of the Hanford low-level radioactive waste disposal facility. In order to finance perpetual surveillance and maintenance under the agreement and ensure site closure under the sublease, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.05 RCW and shall be an amount determined by the department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. A site closure account and a perpetual surveillance and maintenance account is hereby created in the state treasury. The site closure account shall be exclusively available to reimburse, to the extent that moneys are available in the account, the site operator for its costs plus a reasonable profit as agreed by the operator and the state, or to reimburse the state licensing agency and any agencies under contract to the state licensing agency for their costs in final closure and decommissioning of the Hanford low-level radioactive waste disposal facility. If a balance remains in the account after satisfactory performance of closure and decommissioning, this balance shall be transferred to the perpetual surveillance and maintenance account. The perpetual surveillance and maintenance account shall be used exclusively by the state to meet post-closure surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations. Appropriations are required to permit expenditures and payment of obligations from the site closure account and the perpetual surveillance and maintenance account. All moneys, including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account(~~(, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190 accruing under the authority of this section)~~) shall be directed to the site closure account until December 31, 1992. Thereafter receipts including earnings from the investment of balances in the site closure and the perpetual surveillance and maintenance account(~~(, less the allocation to the state treasurer's service account, pursuant to RCW 43.08.190)~~) shall be directed to the site closure account and the perpetual surveillance and maintenance account as specified by the department. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the site closure account and the perpetual surveillance and maintenance account;

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management;

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities; and

(6) To develop contingency plans for duties and options for the department and other state agencies related to the Hanford low-level radioactive waste disposal facility based on various projections of annual levels of waste disposal. These plans shall include an analysis of expected revenue to the state in various taxes and funds related to low-level radioactive waste disposal and the resulting implications that any increase or decrease in revenue may have on state agency duties or responsibilities. The plans shall be updated annually. The department shall report annually on the plans and on the balances in the site closure and perpetual surveillance accounts to the energy and utilities committees of the senate and the house of representatives.

Sec. 128. RCW 28B.30.741 and 1991 1st ex.s. c ... s 76 (section 76 of this act) are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for a scientific school; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon(~~(; except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160)~~); and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "Washington State University bond retirement fund" to be expended for the purposes set forth in RCW 28B.30.740.

Sec. 129. RCW 28B.30.742 and 1991 1st ex.s. c ... s 77 (section 77 of this act) are each amended to read as follows:

Whenever federal law shall permit all moneys received from the lease or rental of lands set apart by the enabling act for an agricultural college, all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel or other valuable material thereon(~~(; except for investment income derived pursuant to RCW 43.84.080 and, less the allocation to the state investment board expense account pursuant to RCW 43.33A.160)~~); and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the Washington State University bond retirement fund to be expended for the purposes set forth in RCW 28B.30.740.

Sec. 130. RCW 43.79A.040 and 1991 1st ex.s. c ... s 82 (section 82 of this act) are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. Monthly, the state treasurer shall distribute the earnings credited to the investment income account (~~to the state general fund except:~~

~~(a) The following)). The state treasurer shall credit the various accounts and funds ((shall receive)) with eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period(~~(; The American Indian scholarship endowment fund, the energy account, the game farm alternative account, and the self insurance revolving fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service account pursuant to RCW 43.08.190.~~~~

~~(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance~~

~~for the period: The advanced right-of-way revolving fund, the federal narcotics asset forfeitures account, the ferry system account, the ferry system insurance claim reserve account, the ferry system operation and maintenance account, the ferry system revenue account, the ferry system revenue bond account, the ferry system revolving account, the high occupancy vehicle account, and the local rail service assistance account)) and shall credit the general fund with the remaining twenty percent, except that the following accounts and funds shall receive one hundred percent of their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The American Indian endowed scholarship trust fund; the American Indian scholarship endowment fund; the mobile home park relocation fund; the pollution liability insurance program trust account; the unemployment compensation fund; the Warren G. Magnuson institute trust fund; the Washington community college faculty awards trust fund; the Washington distinguished professorship trust fund; the Washington graduate fellowship trust fund; and the water pollution control revolving fund.~~

(3) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 131. RCW 43.08.190 and 1991 1st ex.s. c ... s 83 (section 83 of this act) are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

~~((Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040(2)(b) or 43.84.092(2)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.))~~

Sec. 132. RCW 43.84.051 and 1991 1st ex.s. c ... s 93 (section 93 of this act) are each amended to read as follows:

It shall be the duty of the state treasurer to collect the interest, or other income on, and the principal of the securities held in his or her custody pursuant to RCW 43.84.041 as the said sums become due and payable, and to pay the same when so collected into the respective funds to which the principal and interest shall accrue ~~(, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160)).~~

Sec. 133. RCW 43.79.130 and 1991 1st ex.s. c ... s 94 (section 94 of this act) are each amended to read as follows:

There shall be in the state treasury a permanent and irreducible fund known as the "agricultural permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for an agricultural college. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account ~~((less the allocation to the state treasurer's service account pursuant to RCW 43.08.190)).~~

Sec. 134. RCW 28B.35.751 and 1991 1st ex.s. c ... s 95 (section 95 of this act) are each amended to read as follows:

All moneys received from the lease or rental of lands set apart by the enabling act for state normal schools purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon ~~((, less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160));~~

and all moneys received as interest on deferred payments on contracts for the sale of such lands, shall from time to time be paid into the state treasury and credited to the Eastern Washington University, Central Washington University, Western Washington University and The Evergreen State College capital projects accounts as herein provided to be expended for capital projects, and bond retirement purposes as set forth in RCW 28B.35.750, as now or hereafter amended. Eastern Washington University, Central Washington University, Western Washington University, and The Evergreen State College shall be credited with one-fourth of the total amount: PROVIDED, That Eastern Washington University, Central Washington University and Western Washington University shall each be credited with one-third of the total amount for so long as there remain unpaid and outstanding any bonds which are payable in whole or in part out of the moneys, interest or income described in this section.

Sec. 135. RCW 43.79.110 and 1991 1st ex.s. c ... s 96 (section 96 of this act) are each amended to read as follows:

There shall be in the state treasury a permanent and irreducible fund known as the "scientific permanent fund," into which shall be paid all moneys derived from the sale of lands set apart by the enabling act or otherwise for a scientific school. The income derived from investments pursuant to RCW 43.84.080 shall be credited to the Washington State University building account (~~less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190~~).

Sec. 136. RCW 28B.20.800 and 1991 1st ex.s. c ... s 97 (section 97 of this act) are each amended to read as follows:

All moneys hereafter received from the lease or rental of lands set apart for the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893, and all interest or income arising from the proceeds of the sale of such land (~~less the allocation to the state treasurer's service account pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160~~)) and all proceeds from the sale of timber, fallen timber, stone, gravel, or other valuable material and all other receipts therefrom shall be deposited to the credit of the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28B.20.720. All proceeds of sale of such lands, exclusive of investment income, shall be deposited to the credit of the state university permanent fund, shall be retained therein and shall not be transferred to any other fund or account. All interest earned or income received from the investment of the money in the state university permanent fund shall be deposited to the credit of the University of Washington bond retirement fund (~~less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160~~)).

As a part of the contract of sale of bonds payable out of the University of Washington bond retirement fund, the board of regents of the University of Washington may covenant that all moneys derived from the above provided sources, which are required to be paid into the bond retirement fund, shall continue to be paid into such bond retirement fund for as long as any of such bonds are outstanding.

Sec. 137. RCW 41.24.030 and 1991 1st ex.s. c ... s 98 (section 98 of this act) are each amended to read as follows:

There is created in the state treasury a trust fund for the benefit of the fire fighters of the state covered by this chapter, which shall be designated the volunteer fire fighters' relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.
 (2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) Ten dollars for each volunteer or part-paid member of its fire department;

(b) A sum equal to one and one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its fire fighters electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fire fighter.

(4) Forty percent of all moneys received by the state from taxes on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state investment board, upon request of the state treasurer shall have full power to invest or reinvest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments shall be made in the manner prescribed by RCW 43.84.150 and not otherwise.

(6) All bonds or other obligations purchased according to subsection (5) of this section shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state investment board may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund and invested by the state investment board shall be credited to and form a part of the fund(~~(-less the allocation to the state investment board expense account pursuant to RCW 43.33A.160)).~~

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund. Sec. 138. RCW 2.14.080 and 1991 1st ex.s. c ... s 103 (section 103 of this act) are each amended to read as follows:

(1) The administrator for the courts shall:

(a) Deposit or invest the contributions under RCW 2.14.090 in a credit union, savings and loan association, bank, or mutual savings bank;

(b) Purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or investment company licensed to contract business in this state; or

(c) Invest in any of the class of investments described in RCW 43.84.150.

(2) The state investment board or the committee for deferred compensation, at the request of the administrator for the courts, may invest moneys in the principal account. Moneys invested by the investment board shall be invested in accordance with RCW 43.84.150. Moneys invested by the committee for deferred compensation shall be invested in accordance with RCW 41.04.250. Except as provided in RCW 43.33A.160 or as necessary to pay a pro rata share of expenses incurred by the committee for deferred compensation, one hundred percent of all earnings from these investments(~~(-exclusive of investment income pursuant to RCW 43.84.080,))~~) shall accrue directly to the principal account.

Sec. 139. RCW 2.10.080 and 1991 1st ex.s. c ... s 114 (section 114 of this act) are each amended to read as follows:

(1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer. All investment income earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall

be collected by him or her and placed to the credit of the retirement fund(~~(--less the allocation to the state investment board expense account pursuant to RCW 43.33A.160 and to the state treasurer's service fund pursuant to RCW 43.08.190)).~~

(3) The state investment board established by RCW 43.33A.020 has full power to invest or reinvest the funds of this system in those classes of investments authorized by RCW 43.84.150.

(4) For the purpose of providing amounts to be used to defray the cost of administration, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

NEW SECTION. Sec. 140. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 141. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions.

(1) On or before June 30, 1991, the balances remaining in the local jail improvement and construction account, the 1979 handicapped facilities construction account, the salmon enhancement construction account, the community college capital improvements accounts, and the fisheries capital projects account shall be transferred to the state building construction account and the balance remaining in the Washington State University construction account shall be transferred to the Washington State University building account.

(2) Except for subsection (1) of this section, sections 1 through 47, 49 through 64, 66 through 108, and 110 through 122 of this act shall take effect July 1, 1991, but shall not be effective for earnings on balances prior to July 1, 1991, regardless of when a distribution is made.

(3) Sections 48 and 109 of this act shall take effect September 1, 1991.

(4) Section 65 of this act shall take effect January 1, 1992.

(5) Sections 123 through 139 of this act shall take effect July 1, 1993, and shall be effective for earnings on balances beginning July 1, 1993, regardless of when a distribution is made.

NEW SECTION. Sec. 142. (1) Sections 47 and 108 of this act shall expire September 1, 1991.

(2) Section 64 of this act shall expire January 1, 1992.

Representatives Wang and Holland spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Wang, Holland, R. Fisher and Silver to the title was adopted:

On page 1, line 1 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 70.39.170, 18.08.240, 43.79.330, 43.51.280, 40.14.025, 43.51.310, 43.140.030, 28B.14D.040, 46.10.075, 72.72.030, 67.40.040, 28B.10.821, 43.88.525, 58.24.060, 82.14.200, 82.14.210, 18.72.390, 43.70.320, 18.04.105, 43.79.445, 47.76.030, 43.51.200, 86.26.007, 43.08.250, 84.33.041, 43.31A.400, 70.94.656, 51.44.170, 82.14.320, 43.33A.160, 43.83B.360, 82.14.050, 43.19.610, 27.34.090, 82.42.090, 47.68.236, 43.79.201, 70.93.180, 46.08.172, 43.99.040, 43.83A.030, 43.99F.030, 28B.10.851, 43.83.020, 28B.30.730, 28B.57.050, 43.99.060, 43.83B.030, 43.83C.030, 43.83D.030, 43.83H.030, 43.84.092, 28A.515.320, 50.16.010, 43.200.080, 70.164.030, 79.90.555, 70.94.483, 70.94.483, 47.78.010, 22.09.411, 70.47.030, 70.105D.070, 2.14.070, 70.170.080, 90.76.100, 70.95.800, 59.21.050, 70.95E.080, 28B.30.741, 28B.30.742,

28B.20.810, 28B.14C.060, 43.79A.020, 43.79A.040, 43.08.190, 90.48.390, 28C.10.082, 43.250.030, 43.185.030, 28B.10.882, 59.22.030, 70.148.020, 4.92.220, 4.92.130, 43.84.051, 43.79.130, 28B.35.751, 43.79.110, 28B.20.800, 28B.10.868, 41.05.120, 90.50A.020, 2.14.080, 46.68.210, 81.100.070, 28B.20.468, 28B.108.050, 28B.50.837, 28B.50.837, 28B.108.060, 41.48.065, 41.48.060, 28A.520.020, 2.10.080, 43.160.080, 28B.20.253, 79.71.090, 81.100.070, 47.76.160, 47.78.010, 82.14.050, 28B.30.730, 43.84.092, 28A.515.320, 43.200.080, 28B.30.741, 28B.30.742, 43.79A.040, 43.08.190, 43.84.051, 43.79.130, 28B.35.751, 43.79.110, 28B.20.800, 41.24.030, 2.14.080, and 2.10.080; reenacting and amending RCW 74.18.230, 76.04.630, 28B.50.360, 28B.50.360, 28B.35.370, 70.146.030, 41.24.030, 41.04.260, and 74.18.230; adding a new section to chapter 43.63A RCW; repealing RCW 43.84.090, 43.185.040, 46.09.290, 70.48.120, 43.31.958, 43.99C.040, 27.60.060, 28B.31.040, 75.48.030, 28B.56.030, 43.83I.166, 36.22.180, 43.79.415, and 79.64.055; providing effective dates; providing expiration dates; and declaring an emergency."

The bill was ordered reengrossed. With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 1058, and the bill passed the House by the following vote: Yeas - 76, Nays - 13, Absent - 1, Excused - 8.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, Mielke, Miller, Morris, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, H., Spanel, Tate, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Beck, Betrozoff, Bowman, Brumsickle, Chandler, Fuhrman, McLean, Morton, Padden, Prince, Sommers, D., Vance - 13.

Absent: Representative Mitchell - 01.

Excused: Representatives Dorn, Haugen, Leonard, Meyers, R., Moyer, Peery, Sprenkle, Van Luven - 08.

Reengrossed Substitute House Bill No. 1058, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I voted "Yea" on final passage of House Bill No. 1058.

MARYANN MITCHELL, 30th District.

The Speaker assumed the Chair.

MOTION

Mr. Wang moved that the House immediately consider the following bills on the third reading calendar in the following order: Engrossed Substitute House Bill No. 1831 and Engrossed Substitute House Bill No. 1856. The motion was carried.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831, by House Committee on Revenue (originally sponsored by Representatives Wang and Appelwick)

Subjecting certain ownership changes to real estate excise taxation.

The bill was read the third time and placed on final passage.

Mr. Wang spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1831, and the bill passed the House by the following vote: Yeas - 90, Nays - 0, Absent - 0, Excused - 8.

Voting yea: Representatives Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Del'wo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 90.

Excused: Representatives Dorn, Haugen, Leonard, Meyers, R., Moyer, Peery, Sprenkle, Van Luven - 08.

Engrossed Substitute House Bill No. 1831, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5996,
SENATE CONCURRENT RESOLUTION NO. 8416.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856, by House Committee on Revenue (originally sponsored by Representatives Wang and Holland; by request of Department of Agriculture and Office of Financial Management)

Making major changes to the weights and measures statutes.

The bill was read the third time and placed on final passage.

Representatives Wang, Bowman and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1856, and the bill passed the House by the following vote: Yeas - 84, Nays - 6, Absent - 0, Excused - 8.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Locke, Ludwig, May, Mielke, Miller, Mitchell, Morris, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Ballard, Chandler, Hochstatter, Lisk, McLean, Prince - 06.

Excused: Representatives Dorn, Haugen, Leonard, Meyers, R., Moyer, Peery, Sprengle, Van Luven - 08.

Engrossed Substitute House Bill No. 1856, having received the constitutional majority, was declared passed.

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

INTRODUCTIONS AND FIRST READING

HB 2236 by Representatives Appelwick and Paris

AN ACT Relating to child support; amending RCW 26.09.010, 26.09.100, 26.09.170, 26.09.225, and 26.19.090; adding new sections to chapter 26.19 RCW; creating a new section; repealing RCW 26.19.010, 26.19.040, 26.19.060, 26.19.070, and 26.19.110; providing effective dates; and declaring an emergency.

HB 2243 by Representative Appelwick

AN ACT Relating to the repeal of RCW 11.92.095; repealing RCW 11.92.095; providing an effective date; and declaring an emergency.

HB 2244 by Representatives Prentice, Rust, Anderson, Leonard, Cole, Scott, Belcher, R. Fisher, Jacobsen, Brekke, Nelson, Valle, Fraser, R. King, Jones, Pruitt, Appelwick and Phillips

AN ACT Relating to pesticide application notification; amending RCW 15.58.040; and adding new sections to chapter 17.21 RCW.

HJM 4024 by Representatives O'Brien, Locke, Anderson, Belcher, Sheldon, Brekke, Spanel, Rasmussen, Prentice, Franklin, Leonard, Paris and Dellwo

Requesting Congress recognize small tribes.

Referred to Committee on State Government.

HJM 4025 by Representatives Belcher, Cole, Miller, R. Fisher, Locke, Prince, Wang, Wynne, Fraser, Brough, Rayburn, Dellwo, Valle, May, Jones, Anderson, Sheldon, Inslee, Prentice, Spanel, Orr, McLean, Wilson, Bray, Mitchell, Jacobsen, Franklin, Appelwick, H. Myers, R. King, Ferguson, Riley, Morris, Roland, G. Fisher, R. Johnson, Ogden, Pruitt, Ludwig, Edmondson, Schmidt, Neher, Winsley, Brekke, Leonard, Heavey, Nelson and Wineberry

Resolving to urge Congress to enact legislation regarding reproductive health care.

HJM 4026 by Representatives Heavey, Fuhrman, Sheldon and Paris

Requesting that Congress pass the alcoholic beverage advertising act of 1991.

ESSB 5072 by Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen and Talmadge)

Reinstating the indigent defense task force.

ESSB 5458 by Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Jesernig, Bauer and Newhouse)

Establishing regional service centers for the deaf.

SB 5560 by Senators McDonald, Owen, Craswell and Niemi

Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board.

ESSB 5580 by Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Bailey, L. Smith, McCaslin, Wojahn and A. Smith)

Establishing community-based child care resource and referral agencies.

SSB 5581 by Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Murray, Pelz, McCaslin, McMullen, Moore, Craswell, Bailey, L. Smith and A. Smith)

Creating the community partnership program.

SSB 5653 by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Bailey, Stratton, Murray, Talmadge, Vognild, McMullen, Gaspard, Snyder, Wojahn, Johnson, Jesernig, Thorsness and Pelz)

Authorizing specialized child care and respite care for children of homeless parents.

ESB 5959 by Senators McDonald, Hayner and West

Restricting eligibility for general assistance unemployable.

ESB 6004 by Senator Hayner

Reviewing Indian gaming compacts.

ESCR 8417 by Senators Barr, Hansen and Anderson

Creating the joint select committee on Lake Roosevelt.

MOTION

On motion of Mr. Ebersole, the rules were suspended and House Joint Memorial No. 4025, Senate Bill No. 5560 and Engrossed Senate Bill No. 5959 were placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

MOTION

On motion of Mr. Ebersole, Committee on Rules was relieved of House Bill No. 1376 and the bill was placed on the second reading calendar.

The Speaker declared the House to be at ease until 2:00 p.m.
The Speaker called the House to order.

Representatives Dorn, R. Meyers and Sprenkle appeared at the bar of the House.

The Speaker declared the House to be at ease.
The Speaker called the House to order.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1376, by Representatives Wang, Holland, Fraser, Silver, Phillips, Brumsickle, Wynne, Horn, Pruitt, Orr, Sprenkle, Hine and Brekke; by request of Software Study Committee

Classifying computer software for purposes of taxation.

The bill was read the second time.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Holland and G. Fisher:

On page 5, after line 18, insert the following:

NEW SECTION. Sec. 5. (1) The department of revenue shall conduct a study of the property tax exemptions and valuation rules provided for computer software in sections 3 and 4 of this act. In the study, the department shall determine whether the exemptions and valuation rules are reasonably necessary and appropriate to achieve fairness, equity, and uniformity in the property tax treatment of computer software. The study shall also include a review of computer software taxation in other states, techniques for valuing computer software, and the effects of changing technology upon the appropriate application of property taxation to computer software.

(2) To assist in the performance of the study, the department shall form an advisory committee with appropriate representation from businesses and county assessors.

(3) The department shall report the findings of the study to the committees of the legislature that deal with revenue matters no later than November 30, 1998.

Renumber the remaining sections and correct internal references accordingly.

Mr. Wang spoke in favor of adoption of the amendment, and it was adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Holland and G. Fisher:

On page 7, after line 16, insert the following:

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Mr. Wang spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representatives Wang, Holland and G. Fisher to the title:

On page 1, line 4 of the title, strike "and creating new sections" and insert "creating new sections; and declaring an emergency"

With consent of the House, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Ms. Bowman, Representative Ballard was excused. On motion of Mr. Dorn, Representative Morris was excused.

Representatives Wang and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1376, and the bill passed the House by the following vote: Yeas - 91, Nays - 1, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representative Braddock - 01.

Excused: Representatives Ballard, Haugen, Leonard, Morris, Moyer, Peery - 06.

Engrossed House Bill No. 1376, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1025,
ENGROSSED SENATE BILL NO. 5985.

MESSAGES FROM THE SENATE

June 28, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1231,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 28, 1991

Mr. Speaker:

The Senate grants the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330. The President has appointed the following members as Conferees: Senators McDonald, Niemi and West.

W. D. Naismith, Deputy Secretary.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MOTION

Mr. Dorn moved that the House immediately consider House Bill No. 1891 on the third reading calendar. The motion was carried.

HOUSE BILL NO. 1891, by Representatives Braddock and Wineberry; by request of Washington Basic Health Plan and Office of Financial Management

Coordinating the basic health plan with medical assistance.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1891, and the bill passed the House by the following vote: Yeas - 91, Nays - 0, Absent - 1, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Fomer, Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 91.

Absent: Representative Brough - 01.

Excused: Representatives Ballard, Haugen, Leonard, Morris, Moyer, Peery - 06.

House Bill No. 1891, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1890, by Representative Braddock; by request of Office of Financial Management and Dept. of Social and Health Services

Revising provisions for the regulation of nursing homes.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass substitute. Committee on Appropriations recommendation: Majority, do pass as amended by Committee on Appropriations (For committee amendments, see Journal, Regular Session, 57th Day, March 11, 1991.) without substitute by Committee on Health Care.

On motion of Mr. Braddock, Substitute House Bill No. 1890 was not substituted for House Bill No. 1890.

With consent of the House, the committee amendments by Committee on Appropriations were not adopted.

Mr. Braddock moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 18.51.050 and 1989 c 372 s 1 are each amended to read as follows:

Upon receipt of an application for license, the department shall issue a license if the applicant and the nursing home facilities meet the requirements established under this chapter, except that the department shall issue a temporary license to a court-appointed receiver for a period not to exceed six months from the date of appointment. Prior to the issuance or renewal of the license, the licensee shall pay a license fee as established by the department. No fee shall be required of government operated institutions or court-appointed receivers. All licenses issued under the provisions of this chapter shall expire on a date to be set by the department, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. When a change of ownership occurs, the entity becoming the licensed operating entity of the facility shall pay a fee established by the department at the time of application for the license. The previously determined date of license expiration shall not change. ~~((The department shall conduct, without charge to the nursing homes, one annual licensing and certification survey per calendar year and one postsurvey visit.~~

For all additional surveys required beyond the first postsurvey visit, nursing homes shall pay an inspection fee of twelve dollars per bed to the department. The inspection fee shall be due within thirty days of the completion date of the postsurvey.)) The department shall establish license fees at an amount adequate to reimburse the department in full for all costs of its licensing activities for nursing homes, adjusted to cover the department's cost of reimbursing such fees through medicaid.

All applications and fees for renewal of the license shall be submitted to the department not later than thirty days prior to the date of expiration of the license. All applications and fees for change of ownership licenses shall be submitted to the department not later than sixty days before the date of the proposed change of ownership. Each license shall be issued only to the operating entity and those persons named in the license application. The license is valid only for the operation of the facility at the location specified in the license application. Licenses are not transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 2. RCW 18.51.310 and 1981 2nd ex.s. c 11 s 5 are each amended to read as follows:

(1) ~~((Within thirty days of admission, the department shall evaluate, through review and assessment, the comprehensive plan of care for each resident supported by the department under RCW 74.09.120 as now or hereafter amended.~~

(2) ~~The department shall review the comprehensive plan of care for such resident at least annually or upon any change in the resident's classification.~~

~~(3) Based upon the assessment of the resident's needs, the department shall assign such resident to a classification. Developmentally disabled residents shall be classified under a separate system.~~

~~(4) The nursing home shall submit any request to modify a resident's classification to the department for the department's approval. The approval shall not be given until the department has reviewed the resident.~~

(5)) The department shall establish, in compliance with federal and state law, a comprehensive plan for utilization review as necessary to safeguard against unnecessary utilization of care and services and to assure quality care and services provided to nursing facility residents.

(2) The department shall adopt licensing standards suitable for implementing the civil penalty system authorized under this chapter and chapter 74.46 RCW.

~~((6))~~ (3) No later than July 1, 1981, the department shall adopt all those regulations which meet all conditions necessary to fully implement the civil penalty system authorized by this chapter, chapter 74.42 RCW, and chapter 74.46 RCW.

Sec. 3. RCW 43.190.020 and 1983 c 290 s 2 are each amended to read as follows:

As used in this chapter, "long-term care facility" means any of the following which provide services to persons sixty years of age and older and is:

(1) A facility which:

(a) Maintains and operates twenty-four hour skilled nursing services for the care and treatment of chronically ill or convalescent patients, including mental, emotional, or behavioral problems, mental retardation, or alcoholism;

(b) Provides supportive, restorative, and preventive health services in conjunction with a socially oriented program to its residents, and which maintains and operates twenty-four hour services including board, room, personal care, and intermittent nursing care. "Long-term health care facility" includes nursing homes(~~(, skilled nursing facilities, and intermediate care))~~ and nursing facilities, but does not include acute care hospital or other licensed facilities except for that distinct part of the hospital or facility which provides nursing (~~(home, skilled nursing facility, or intermediate care))~~ facility services.

(2) Any family home, group care facility, or similar facility determined by the secretary, for twenty-four hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(3) Any swing bed in an acute care facility.

Sec. 4. RCW 70.38.105 and 1989 1st ex.s. c 9 s 603 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;

(c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1,

1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance and does not substantially affect patient charges:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction which involves physical plant facilities, including administrative and support facilities, which are not or will not be used for the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, ((skilled)) nursing((, intermediate)) home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(f) Any new tertiary health services which are offered in or through a health care facility, and which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

(h) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 5. RCW 74.08.044 and 1975-'76 2nd ex.s. c 52 s 1 are each amended to read as follows:

The department is authorized to promulgate rules and regulations establishing eligibility for alternate living arrangements, and license the same, including minimum standards of care, based upon need for personal care and supervision beyond the level of board and room only, but less than the level of care required in a hospital or a ((skilled)) nursing ((home)) facility as defined in the federal social security act.

Sec. 6. RCW 74.09.250 and 1979 ex.s. c 152 s 6 are each amended to read as follows:

Any person, including any corporation, that knowingly makes or causes to be made, or induces or seeks to induce the making of, any false statement or representation of a material fact with respect to the conditions or operations of any institution or facility in order that such institution or facility may qualify (either upon initial certification or upon recertification) as a hospital, ((skilled)) nursing facility, ((intermediate care facility,)) or home health agency, shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than five thousand dollars.

Sec. 7. RCW 74.09.260 and 1979 ex.s. c 152 s 7 are each amended to read as follows:

Any person, including any corporation, that knowingly:

(1) Charges, for any service provided to a patient under any medical care plan authorized under this chapter, money or other consideration at a rate in excess of the rates established by the department of social and health services((,)); or

(2) Charges, solicits, accepts, or receives, in addition to any amount otherwise required to be paid under such plan, any gift, money, donation, or other consideration (other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient);

(a) As a precondition of admitting a patient to a hospital((, skilled)) or nursing facility((, or intermediate care facility,)); or

(b) As a requirement for the patient's continued stay in such facility, when the cost of the services provided therein to the patient is paid for, in whole or in part, under such plan, shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

Sec. 8. RCW 74.09.510 and 1989 1st ex.s. c 10 s 8 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for cash assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) ((an intermediate care)) a nursing facility or an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized; (4) individuals who would be eligible for but choose not to receive cash assistance; (5) individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act; (6) children and pregnant women allowed by federal statute for whom funding is appropriated; and (7) other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act.

Sec. 9. RCW 74.09.520 and 1991 c 233 s 1 and 1991 c 119 s 1 are each reenacted and amended to read as follows:

(1) The term "medical assistance" may include the following care and services: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and x-ray services; (d) ((skilled)) nursing ((home)) facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic

devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a handicapped child by a school district as part of an individualized education program established pursuant to RCW 28A.155.010 through 28A.155.100. For the purposes of this section, the department may not cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services. Services included in an individualized education program for a handicapped child under RCW 28A.155.010 through 28A.155.100 shall not qualify as medical assistance prior to the implementation of the funding process developed under RCW 74.09.524.

(2) The department shall amend the state plan for medical assistance under Title XIX of the federal social security act to include personal care services, as defined in 42 C.F.R. 440.170(f), in the categorically needy program.

(3) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care must be approved by a physician and reviewed by a nurse every ninety days.

(4) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(5) The department shall report to the appropriate fiscal committees of the legislature on the utilization and associated costs of the personal care option under Title XIX of the federal social security act, as defined in 42 C.F.R. 440.170(f), in the categorically needy program. This report shall be submitted by January 1, 1990, and submitted on a yearly basis thereafter.

(6) Effective July 1, 1989, the department shall offer hospice services in accordance with available funds. The hospice benefit under this section shall terminate on June 30, 1993, unless extended by the legislature.

Sec. 10. RCW 74.09.700 and 1991 c 233 s 2 are each amended to read as follows:

(1) To the extent of available funds, medical care may be provided under the limited casualty program to persons not otherwise eligible for medical assistance or medical care services who are medically needy as defined in the social security Title XIX state plan and medical indigents in accordance with medical eligibility requirements established by the department. This includes residents of ~~((skilled))~~ nursing ~~((homes, intermediate care))~~ facilities ~~((s))~~ and residents of intermediate care facilities for the mentally retarded who are aged, blind, or disabled as defined in Title XVI of the federal social security act and whose income exceeds three hundred percent of the federal supplement security income benefit level.

(2) Determination of the amount, scope, and duration of medical coverage under the limited casualty program shall be the responsibility of the department, subject to the following:

(a) Only inpatient hospital services; outpatient hospital and rural health clinic services; physicians' and clinic services; prescribed drugs, dentures, prosthetic devices, and eyeglasses; ((skilled)) nursing ((home)) facility services((~~intermediate care facility services~~)); and intermediate care facility services for the mentally retarded; home health services; other laboratory and x-ray services; rehabilitative services, including occupational therapy; medically necessary transportation; and other services for which funds are specifically provided in the omnibus appropriations act shall be covered;

(b) Persons who are medically indigent and are not eligible for a federal aid program shall satisfy a deductible of not less than one hundred dollars nor more than five hundred dollars in any twelve-month period;

(c) Medical care services provided to the medically indigent and received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished: PROVIDED, That eligible persons who fail to apply within the seven-day time period for medical reasons or other good cause may be retroactively certified and approved for payment.

(3) The department shall establish standards of assistance and resource and income exemptions. All nonexempt income and resources of limited casualty program recipients shall be applied against the cost of their medical care services.

Sec. 11. RCW 74.46.020 and 1989 c 372 s 17 are each amended to read as follows:

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

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Ancillary care" means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) "Bad debts" means amounts considered to be uncollectable from accounts and notes receivable.

(7) "Beds" means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) "Capitalization" means the recording of an expenditure as an asset.

(10) "Contractor" means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) "Department" means the department of social and health services (DSHS) and its employees.

(12) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) "Entity" means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

(15) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(16) "Facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(17) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

(18) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(19) "Gain on sale" means the difference between the total net book value of nursing home assets, including but not limited to land, building and equipment, and the total sales price of all such assets.

(20) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

((20)) (21) "Generally accepted auditing standards" means auditing standards approved by the American institute of certified public accountants (AICPA).

((21)) (22) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

((22)) (23) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

((23)) (24) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

((24)) (25) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

((25)) (26) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

((26)) (27) "Medical care program" means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

((27)) (28) "Medical care recipient" or "recipient" means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

((28)) (29) "Net book value" means the historical cost of an asset less accumulated depreciation.

((29)) (30) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

((30)) (31) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((31))~~ (32) "Owner" means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

~~((32))~~ (33) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

~~((33))~~ (34) "Patient day" or "client day" means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

~~((34))~~ (35) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

~~((35))~~ (36) "Qualified therapist" means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

~~((36))~~ (37) "Questioned costs" means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

~~((37))~~ (38) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

~~((38))~~ (39) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

~~((39))~~ (40) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

~~((40))~~ (41) "Secretary" means the secretary of the department of social and health services.

~~((41))~~ (42) "Title XIX" or "Medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended.

~~((42))~~ (43) "Physical plant capital improvement" means a capitalized improvement that is limited to an improvement to the building or the related physical plant.

Sec. 12. RCW 74.46.380 and 1980 c 177 s 38 are each amended to read as follows:

(1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

(3) If there is a sale of a nursing facility on or after July 1, 1991, that results in a gain on sale, the actual reimbursement for depreciation paid to the selling contractor through the medicaid reimbursement program shall be recovered by the department to the extent of any gain on sale. The purchaser is obligated to reimburse the department, whether or not the purchaser is a medicaid contractor. If the department is unable to collect from the purchaser, then the seller is responsible for reimbursing the department. The department may establish an appropriate repayment schedule to recover depreciation. If the purchaser is a medicaid contractor and the contractor does not comply with the repayment schedule established by the department, the department may deduct the recovery from the contractor's monthly medicaid payments. The department may adopt rules, as appropriate, to insure that the principles of this section are implemented with respect to leased assets, or with respect to sales of intangibles or specific assets only.

Sec. 13. RCW 74.46.660 and 1980 c 177 s 66 are each amended to read as follows:

In order to participate in the prospective cost-related reimbursement system established by this chapter, the person or legal organization responsible for operation of a facility shall:

(1) Obtain a state certificate of need and/or federal capital expenditure review (section 1122) approval pursuant to chapter 70.38 RCW and Part 100, Title 42 CFR where required;

(2) Hold the appropriate current license;

(3) Hold current Title XIX certification;

(4) Hold a current contract to provide services under this chapter; ~~((and))~~

(5) Comply with all provisions of the contract and all application regulations, including but not limited to the provisions of this chapter; and

(6) Obtain and maintain medicare certification, under Title XVIII of the social security act, 42 U.S.C. Sec. 1395, as amended, for no less than fifteen percent of the facility's licensed beds.

Sec. 14. RCW 74.46.210 and 1980 c 177 s 21 are each amended to read as follows:

~~((All necessary and ordinary expenses a contractor incurs in providing care services will be allowable costs.))~~ All documented costs that are ordinary, necessary, and related to the care of medical care recipients and are not expressly unallowable will be allowable costs. These expenses include:

(1) Meeting licensing and certification standards;

(2) Meeting standards of providing regular room, nursing, ancillary, and dietary services, as established by department rule and regulation pursuant to chapter 211, Laws of 1979 ex. sess.; and

(3) Fulfilling accounting and reporting requirements imposed by this chapter.

Sec. 15. RCW 74.46.410 and 1989 c 372 s 2 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530;

(ii) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;

(jj) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(kk) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply if a contractor has not exceeded this percentile in any of the preceding three annual cost report periods;

(ll) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;

(mm) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions.

Sec. 16. RCW 74.46.481 and 1990 c 207 s 1 are each amended to read as follows:

(1) The nursing services cost center shall include all costs related to the direct provision of nursing and related care, including fringe benefits and payroll taxes for the nursing and related care personnel. For rates effective for state fiscal year 1984, the department shall adopt by administrative rule a definition of "related care" which shall incorporate, but not exceed services reimbursable as of June 30, 1983. For rates effective for state fiscal year 1985, the definition of related care shall include ancillary care. For rates effective after June 30, 1991, nursing services costs, as reimbursed within this chapter and as tested for reasonableness within this section, shall not include costs of any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care

staff of like classification at the same nursing facility, as reported in the most recent cost report period.

(2) The department shall adopt by administrative rules a method for establishing a nursing services cost center rate consistent with the principles stated in this section.

(3) Utilizing regression or other statistical technique, the department shall determine a reasonable limit on facility nursing staff taking into account facility patient characteristics. For purposes of this section, facility nursing staff refers to registered nurses, licensed practical nurses and nursing assistants employed by the facility or obtained through temporary labor contract arrangements. Effective January 1, 1988, the hours associated with the training of nursing assistants and the supervision of that training for nursing assistants shall not be included in the calculation of facility nursing staff. In selecting a measure of patient characteristics, the department shall take into account:

(a) The correlation between alternative measures and facility nursing staff; and

(b) The cost of collecting information for and computation of a measure.

If regression is used, the limit shall be set at predicted nursing staff plus 1.75 regression standard errors. If another statistical method is utilized, the limit shall be set at a level corresponding to 1.75 standard errors above predicted staffing computed according to a regression procedure.

(4) No facility shall receive reimbursement for nursing staff levels in excess of the limit, except that, if a facility was reimbursed for a nursing staff level in excess of the limit as of June 30, 1983, the facility may choose to continue to receive its June, 1983 nursing services rate plus any adjustments in rates, such as adjustments for economic trends, made available to all facilities. However, nursing staff levels established under subsection (3) of this section shall not apply to the nursing services cost center reimbursement rate for the pilot facility especially designed to meet the needs of persons living with AIDS as defined by RCW 70.24.017 and specifically authorized for this purpose under the 1989 amendment to the Washington state health plan [1989 1st ex.s. c 9]. The reasonableness limit established pursuant to this subsection shall remain in effect for the period July 1, 1983 through June 30, 1985. At that time the department may revise the measure of patient characteristics or method used to establish the limit.

(5) The department shall select an index of cost increase relevant to the nursing and related services cost area. In the absence of a more representative index, the department shall use the medical care component index as maintained by the United States bureau of labor statistics.

(6) If a facility's nursing staff level is below the limit specified in subsection (3) of this section, the department shall determine the percentage increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the selected index for the same time period, the facility's reimbursement rate in the nursing services cost center shall equal the facility's cost from the most recent cost reporting period plus any allowance for inflation provided by legislative appropriation.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost area to a level reflecting the increase in the selected index.

(7) If the facility's nursing staff level exceeds the reasonableness limit established in subsection (3) of this section, the department shall determine the increase for all items included in the nursing services cost center between the facility's most recent cost reporting period and the next prior cost reporting period.

(a) If the percentage cost increase for a facility is below the increase in the index selected pursuant to subsection (5) of this section, the facility's reimbursement rate in the nursing cost center shall equal the facility's cost from the most recent cost reporting period adjusted downward to reflect the limit on nursing staff, plus any allowance for

inflation provided by legislative appropriation subject to the provisions of subsection (4) of this section.

(b) If the percentage cost increase for a facility exceeds the increase in the selected index, the department shall limit the cost used for setting the facility's rate in the nursing services cost center to a level reflecting the nursing staff limit and the cost increase limit, subject to the provisions of subsection (4) of this section, plus any allowance for inflation provided by legislative appropriation.

(8) Prospective rates for the nursing services cost center, for state fiscal year 1992 only, shall not be subject to the cost growth index lid in subsections (5), (6), and (7) of this section. The lid shall apply for state fiscal year 1991 rate setting and all state fiscal years subsequent to fiscal year 1992.

(9) The department is authorized to determine on a systematic basis facilities with unmet patient care service needs. The department may increase the nursing services cost center prospective rate for a facility beyond the level determined in accordance with subsection (6) of this section if the facility's actual and reported nursing staffing is one standard error or more below predicted staffing as determined according to the method selected pursuant to subsection (3) of this section and the facility has unmet patient care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

~~((9))~~ (10) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

~~((10))~~ (11) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

- (a) Increases in acuity levels of contractors' residents;
- (b) Staffing patterns for similar facilities;
- (c) Physical plant of contractor; and,
- (d) Survey, inspection of care, and department consultation results.

Sec. 17. RCW 74.46.530 and 1985 c 361 s 17 are each amended to read as follows:

(1) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by ~~((11))~~ 10, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, ~~((and))~~ 74.46.370, and 74.46.380, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. Subject to provisions and limitations contained in this chapter, for land purchased by owners or lessors before July 18, 1984, capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is

purchased after July 17, 1984, capitalized cost shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage amounts will be based on groupings of facilities according to the rankings as established in ~~((subparagraph (1)(b)(4)))~~ ~~((section))~~ subsection (1)(c). Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

(3) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate.

Sec. 18. RCW 74.46.360 and 1989 c 372 s 14 are each amended to read as follows:

(1) For all partial or whole rate periods after December 31, 1984, the cost basis of land and depreciation base of depreciable assets shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation, if applicable, which has been incurred during periods that the assets have been used in or as a facility by any contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The cost basis of land and depreciation base of ~~(the)~~ depreciable assets will not exceed such fair market value.

(2) The historical cost of depreciable and nondepreciable donated assets, or of depreciable and nondepreciable assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where land or depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the cost basis or depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new cost basis or depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. For all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, depreciable or nondepreciable, occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been

reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease: PROVIDED FURTHER, That for any contractor that can document in writing an enforceable agreement for the purchase of a nursing home dated prior to July 18, 1984, and submitted to the department prior to January 1, 1988, the cost basis of allowable land and the depreciation base of the nursing home, for rates established after July 18, 1984, shall not exceed the fair market value of the assets at the date of purchase as determined by the department of general administration through an appraisal procedure. For medicaid cost reimbursement purposes, an agreement to purchase a nursing home dated prior to July 18, 1984, is enforceable, even though such agreement contains no legal description of the real property involved, notwithstanding the statute of frauds or any other provision of law.

(c) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option:

(i) To have the provisions of subsection (b) of this section apply to the purchase; or

(ii) To have the reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530(1) (e) and (f) based upon the provisions of the lease in existence on the date of the purchase, but only if the purchase date meets one of the following criteria:

(A) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(B) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(C) The purchase date is after a rate setting for the facility in which the reimbursement rate set pursuant to this chapter no longer is equal to or greater than the actual cost of the lease; or

(D) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(d) For all rate periods past or future where land or depreciable assets are acquired from a related organization, the contractor's cost basis and depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(e) Where the land or depreciable asset is a donation or distribution between related organizations, the cost basis or depreciation base shall be the lesser of (i) fair market value, less salvage value, or (ii) the cost basis or depreciation base the related organization had or would have had for the asset under a contract with the department.

Sec. 19. RCW 74.46.700 and 1980 c 177 s 70 are each amended to read as follows:

~~((1))~~ Each ~~((contractor))~~ nursing home shall establish and maintain, as a service to the ~~((medical care recipient))~~ resident, a bookkeeping system incorporated into the business records for all ~~((recipient))~~ resident moneys entrusted to the contractor and received by the facility for the ~~((recipient))~~ resident.

~~((2))~~ Such system will apply to a recipient who is:

~~(a) Incapable of handling his or her own money and the department or the recipient's guardian, relative, or physician makes written request of the facility to accept this responsibility; or~~

~~(b) Capable of handling his or her own money, but requests the facility in writing to accept this responsibility.~~

~~(3) The written requests provided in subsection (2) of this section shall be maintained by the contractor in the recipient's file.~~

~~(4) The recipient must be given at least a quarterly reporting of all financial transactions in his or her trust account. The representative payee, the guardian, and/or~~

other designated agents of the recipient must be sent a copy of said reporting on the same basis as the recipient.)

The department shall adopt rules to ensure that resident personal funds handled by the facility are maintained by each nursing home in a manner that is, at a minimum, consistent with federal requirements.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) RCW 74.42.610 and 1980 c 177 s 85 & 1979 ex.s. c 211 s 61;
- (2) RCW 74.46.710 and 1983 1st ex.s. c 67 s 37 & 1980 c 177 s 71;
- (3) RCW 74.46.720 and 1983 1st ex.s. c 67 s 38 & 1980 c 177 s 72;
- (4) RCW 74.46.730 and 1980 c 177 s 73;
- (5) RCW 74.46.740 and 1980 c 177 s 74;
- (6) RCW 74.46.750 and 1980 c 177 s 75; and
- (7) RCW 74.46.760 and 1985 c 7 s 149 & 1980 c 177 s 76.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991.

Mr. Braddock spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Braddock to the title was adopted:

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.51.050, 18.51.310, 43.190.020, 70.38.105, 74.08.044, 74.09.250, 74.09.260, 74.09.510, 74.09.700, 74.46.020, 74.46.380, 74.46.660, 74.46.210, 74.46.410, 74.46.481, 74.46.530, 74.46.360, and 74.46.700; reenacting and amending RCW 74.09.520; repealing RCW 74.42.610, 74.46.710, 74.46.720, 74.46.730, 74.46.740, 74.46.750, and 74.46.760; providing an effective date; and declaring an emergency."

The bill was ordered engrossed. On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Braddock spoke in favor of passage of the bill, and Mr. D. Sommers spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1890, and the bill passed the House by the following vote: Yeas - 41, Nays - 51, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bray, Brekke, Cantwell, Cole, Cooper, Dorn, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hine, Inslee, Jacobsen, Johnson R., Locke, Ludwig, Myers, H., Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Pruitt, Rasmussen, Riley, Roland, Rust, Sommers, H., Spanel, Sprengle, Valle, Wang, Wineberry, and Mr. Speaker - 41.

Voting nay: Representatives Basich, Beck, Berozoff, Bowman, Braddock, Broback, Brough, Brumsickle, Casada, Chandler, Day, Dellwo, Edmondson, Ferguson, Forner, Fuhrman, Hargrove, Heavey, Hochstatter, Holland, Horn, Johnson P., Jones, King, R., Kremen, Lisk, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Nealey,

Neher, Padden, Prince, Rayburn, Schmidt, Scott, Sheldon, Silver, Sommers, D., Tate, Vance, Van Luven, Wilson, Winsley, Wood, Wynne, Zellinsky - 51.

Excused: Representatives Ballard, Haugen, Leonard, Morris, Moyer, Peery - 06.

Engrossed Substitute House Bill No. 1890, having failed to receive the constitutional majority, was declared not passed.

MESSAGE FROM THE SENATE

June 28, 1991

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5790, and asks the House to recede therefrom, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

Mr. Dellwo moved that the House recede from its amendments to Engrossed Substitute Senate Bill No. 5790.

Representatives Dellwo and Broback spoke in favor of the motion, and it was carried.

MOTION

On motion of Mr. Dellwo, the rules were suspended and Engrossed Substitute Senate Bill No. 5790 was returned to second reading for purpose of amendment.

Mr. Dellwo moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.30.020 and 1991 c 339 s 24 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community service.

~~(2) ((A violation of this section constitutes a traffic infraction punishable by a fine of two hundred and fifty dollars unless a court determines that in the interest of justice the fine should be reduced. In lieu of the fine, a court may permit the defendant to perform community service designated by the court.~~

(3)) If a person cited for a violation of subsection (1) of this section appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court, submit by mail to the court written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court may assess court administrative costs of twenty-five dollars at the time of dismissal.

~~((4)) (3) The provisions of this chapter shall not govern:~~

(a) The operation of a motor vehicle registered under RCW 46.16.305(1), governed by RCW 46.16.020, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

~~((5)) (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.~~

Sec. 2. RCW 46.30.040 and 1989 c 353 s 4 are each amended to read as follows:

~~((1) Whenever a person operates a motor vehicle subject to registration under chapter 46.16 RCW, the person shall have in his or her possession an identification card of the type specified in RCW 46.30.030 and shall display the card upon demand to a law enforcement officer.~~

~~(2) Every person who drives a motor vehicle required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.~~

~~(3)) Any person who knowingly provides false evidence of financial responsibility to a law enforcement officer or to a court, including an expired or canceled insurance policy, bond, or certificate of deposit is guilty of a misdemeanor.~~

Sec. 3. RCW 46.63.151 and 1981 c 19 s 4 are each amended to read as follows:

Each party to a traffic infraction case is responsible for costs incurred by that party. No costs or attorney fees may be awarded to either party in a traffic infraction case, except as provided for in RCW 46.30.020(2).

Representatives Dellwo and Paris spoke in favor of adoption of the amendment, and it was adopted.

With consent of the House, the following amendment by Representative Dellwo to the title was adopted:

In line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 46.30.020, 46.30.040, and 46.63.151; and prescribing penalties."

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5790 as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Betzoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Horn, Insee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Ballard, Haugen, Leonard, Morris, Moyer, Peery - 06.

Engrossed Substitute House Bill No. 5790 as amended by the House, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease until 7:00 p.m.

The Speaker (Mr. R. Meyers presiding) called the House to order at 7:00 p.m.

Representative Leonard appeared at the bar of the House.

MOTION

Mr. Ebersole moved that the House immediately consider House Concurrent Resolution No. 4412 on the regular second reading calendar. The motion was carried.

HOUSE CONCURRENT RESOLUTION NO. 4412, by Representatives Dellwo, Rayburn and Pruitt

Making changes in Senate Select Committee on Washington 2000 A.D.

The resolution was read the second time.

With consent of the House, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Dellwo spoke in favor of passage of the resolution.

House Concurrent Resolution No. 4412 was adopted.

MESSAGE FROM THE SENATE

June 28, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780,
 SENATE BILL NO. 6008,
 SENATE JOINT MEMORIAL NO. 8022,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856,
 HOUSE BILL NO. 2242,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

E2SSB 5780 by Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Wojahn, Niemi, Johnson, West, Thorsness, von Reichbauer, L. Kreidler and Craswell)

Enhancing employment transition programs for developmentally disabled high school students.

SB 6008 by Senator Roach

Repealing RCW 11.92.095.

SJM 8022 by Senators Anderson, McDonald, Snyder, Amondson, Owen, Metcalf, L. Smith, Craswell, Conner, Sutherland, Barr, Thorsness, Cantu, Oke, Bluechel, Johnson, Sellar, McCaslin, West and Matson

Petitioning Congress to enact legislation to remedy the chaos in state forest resulting from the designation of the spotted owl as a threatened species.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider House Bill No. 2237 on the regular second reading calendar. The motion was carried.

HOUSE BILL NO. 2237, by Representatives Locke and Silver

Improving medicaid financing.

The bill was read the second time.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke and Silver spoke in favor of passage of the bill, and Mr. Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2237, and the bill passed the House by the following vote: Yeas - 77, Nays - 16, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Hine, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, H., Spanel, Sprenkle, Tate, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Beck, Chandler, Edmondson, Ferguson, Former, Fuhrman, Heavey, Hochstatter, Holland, Lisk, Morton, Nealey, Padden, Sommers, D., Vance, Van Luven - 16.

Excused: Representatives Ballard, Haugen, Morris, Moyer, Peery - 05.

House Bill No. 2237, having received the constitutional majority, was declared passed.

STATEMENTS FOR THE JOURNAL

I officially request my vote on final passage of House Bill No. 2237 to be recorded as "Yes."

JOHN BYRON BECK, 21st District.

In the hurry of last minute voting (end of session) I inadvertently voted "yea" instead of "nay" on final passage of House Bill No. 2237. Please make a note of this for me.

SARAH CASADA, 25th District.

MOTION

Mr. Ebersole moved that the House immediately consider Senate Bill No. 5560 on the regular second reading calendar. The motion was carried.

SENATE BILL NO. 5560, by Senators McDonald, Owen, Craswell and Niemi

Transferring power and duty to enforce cigarette and tobacco laws to the liquor control board.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, Regular Session, 82nd Day, April 5, 1991.) Committee on Revenue recommendation: Majority, do pass as amended by Committee on Commerce & Labor.

Ms. Valle moved adoption of the following amendment by Representatives Valle, Braddock, Sprengle and Mitchell:

On page 3, after line 30, insert:

"(5) The board shall make a special effort to enforce laws that protect children and young adults from the harmful affects of tobacco and alcohol consumption."

Ms. Valle spoke in favor of adoption of the amendment, and it was adopted.

Mr. Heavey moved adoption of the following amendment by Representatives Heavey, Wang, Fuhrman and Holland:

On page 7, beginning on line 21, strike all of section 8

Renumber the remaining sections and correct internal references accordingly.

Mr. Heavey spoke in favor of adoption of the amendment, and Mr. Fuhrman spoke against it. The amendment was adopted.

With consent of the House, the following amendment by Representatives Heavey, Wang, Fuhrman and Holland to the title was adopted:

On page 1, line 7 of the title, strike "adding new sections" and insert "adding a new section"

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5560 as amended by the House, and the bill passed the House by the following vote: Yeas - 83, Nays - 10, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Day, Dorn, Ebersole, Ferguson, Fisher, G., Forner, Fraser, Fuhrman, Grant, Hargrove, Hine, Hochstatter, Holland, Horn, Inslee, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morton, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Belcher, Cole, Cooper, Dellwo, Edmondson, Fisher, R., Franklin, Heavey, Jacobsen, Rust - 10.

Excused: Representatives Ballard, Haugen, Morris, Moyer, Peery - 05.

Senate Bill No. 5560 as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

June 28, 1991

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5149, and has passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

SENATE AMENDMENTS TO HOUSE BILL

June 28, 1991

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1907 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter is intended to provide the exclusive source of local government entity authority to individually or jointly self-insure risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services. This chapter shall be liberally construed to grant local government entities maximum flexibility in self-insuring to the extent the self-insurance programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every individual local government self-insured employee health and welfare benefit program and every joint local government self-insurance program. In addition, this chapter is intended to require every local government entity that establishes a self-insurance program not subject to prior approval to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this

chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW, or industrial insurance under chapter 51.14 RCW.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Local government entity" or "entity" means every unit of local government, both general purpose and special purpose, and includes, but is not limited to, counties, cities, towns, port districts, public utility districts, water districts, sewer districts, school districts, fire protection districts, irrigation districts, metropolitan municipal corporations, conservation districts, and other political subdivisions, governmental subdivisions, municipal corporations, and quasi-municipal corporations.

(2) "Risk assumption" means a decision to absorb the entity's financial exposure to a risk of loss without the creation of a formal program of advance funding of anticipated losses.

(3) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(4) "Health and welfare benefits" means a plan or program established by a local government entity or entities for the purpose of providing its employees and their dependents, and in the case of school districts, its district employees, students, directors, or any of their dependents, with health care, accident, disability, death, and salary protection benefits.

(5) "Property and liability risks" includes the risk of property damage or loss sustained by a local government entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the local government entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the local government entity.

(6) "State risk manager" means the state risk manager of the division of risk management within the department of general administration.

NEW SECTION. Sec. 3. (1) The governing body of a local government entity may individually self-insure, may join or form a self-insurance program together with other entities, and may jointly purchase insurance or reinsurance with other entities for property and liability risks, and health and welfare benefits only as permitted under this chapter. In addition, the entity or entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The agreement to form a joint self-insurance program shall be made under chapter 39.34 RCW.

(3) Every individual and joint self-insurance program is subject to audit by the state auditor.

(4) If provided for in the agreement or contract established under chapter 39.34 RCW, a joint self-insurance program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in such form and amount as the program's participants agree by contract; and

(e) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

(5) A local government entity that has decided to assume a risk of loss must have available for inspection by the state auditor a written report indicating the class of risk or risks the governing body of the entity has decided to assume.

(6) Every joint self-insurance program governed by this chapter shall appoint the risk manager as its attorney to receive service of, and upon whom shall be served, all legal process issued against it in this state upon causes of action arising in this state.

(a) Service upon the risk manager as attorney shall constitute service upon the program. Service upon joint insurance programs subject to this act can be had only by service upon the risk manager. At the time of service, the plaintiff shall pay to the risk manager a fee to be set by the risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the risk manager, each joint self-insurance program shall designate by name and address the person to whom the risk manager shall forward legal process so served upon him or her. The joint self-insurance program may change such person by filing a new designation.

(c) The appointment of the risk manager as attorney shall be irrevocable, shall bind any successor in interest or to the assets or liabilities of the joint self-insurance program, and shall remain in effect as long as there is in force in this state any contract made by the joint self-insurance program or liabilities or duties arising therefrom.

(d) The risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, shall be sent by the risk manager, to the person designated for the purpose by the joint self-insurance program in its most recent such designation filed with the risk manager. No proceedings shall be had against the joint self-insurance program, and the program shall not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the risk manager.

NEW SECTION. Sec. 4. (1) The property and liability advisory board is created, consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and five members appointed by the governor on the basis of their experience and knowledge in matters pertaining to local government risk management, self-insurance, and management of joint self-insurance programs. The board shall include at least two representatives from individual property or liability self-insurance programs and at least two representatives from joint property or liability self-insurance programs.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insurance programs covering liability and property risks;

(b) Reviewing and approving the creation of joint self-insurance programs covering property or liability risks;

(c) Reviewing annual reports filed by joint self-insurance programs covering property and liability risks and recommending that corrective action be taken by the programs when necessary; and

(d) Responding to concerns of the state auditor related to the management and operation of both individual and joint self-insurance programs covering liability or property risks.

(3) The board shall annually elect a chairman and a vice-chairman from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

NEW SECTION. Sec. 5. (1) The health and welfare advisory board is created consisting of the insurance commissioner and the state risk manager, or their designees, as ex officio members and six members appointed by the governor on the basis of their experience and knowledge pertaining to local government self-insured health and welfare benefits programs. The board shall include one city management representative as

recommended by the association of Washington cities; one county management representative as recommended by the Washington state association of counties; two management representatives from local government self-insured health and welfare programs; and two representatives of state-wide employee organizations representing local government employees.

(2) The board shall assist the state risk manager in:

(a) Adopting rules governing the operation and management of both individual and joint self-insured health and welfare benefits programs;

(b) Reviewing and approving the creation of both individual and joint self-insured health and welfare benefits programs;

(c) Reviewing annual reports filed by health and welfare benefits programs and in recommending that corrective action be taken by the programs when necessary; and

(d) Responding to concerns of the state auditor related to the management and operation of health and welfare benefits programs.

(3) The board shall annually elect a chairman and a vice-chairman from its members. The board shall meet at least quarterly at such times as the state risk manager may fix. The board members who are appointed shall serve without compensation from the state but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall be compensated in accordance with RCW 43.03.240.

(4) A majority of the board constitutes a quorum for the transaction of business.

(5) The board shall keep public records of its proceedings.

NEW SECTION. Sec. 6. The state risk manager, in consultation with the property and liability advisory board, shall adopt rules governing the management and operation of both individual and joint local government self-insurance programs covering property or liability risks. The state risk manager shall also adopt rules governing the management and operation of both individual and joint local government self-insured health and welfare benefits programs in consultation with the health and welfare benefits advisory board. All rules shall be appropriate for the type of program and class of risk covered. The state risk manager's rules shall include:

(1) Standards for the management, operation, and solvency of self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;

(2) Standards for claims management procedures; and

(3) Standards for contracts between self-insurance programs and private businesses including standards for contracts between third-party administrators and programs.

NEW SECTION. Sec. 7. Before the establishment of a joint self-insurance program covering property or liability risks by local government entities, or an individual or joint local government self-insured health and welfare benefits program, the entity or entities must obtain the approval of the state risk manager. Risk manager approval is not required for the establishment of an individual local government self-insurance program covering property or liability risks. The entity or entities proposing creation of a self-insurance program requiring prior approval shall submit a plan of management and operation to the state risk manager and the state auditor that provides at least the following information:

(1) The risk or risks to be covered, including any coverage definitions, terms, conditions, and limitations or in the case of health and welfare benefits programs, the benefits to be provided, including any benefit definitions, terms, conditions, and limitations;

(2) The amount and method of financing the benefits or covered risks, including the initial capital and proposed rates and projected premiums;

(3) The proposed claim reserving practices;

(4) The proposed purchase and maintenance of insurance or reinsurance in excess of the amounts retained by the self-insurance program;

(5) In the case of a joint program, the legal form of the program, including but not limited to any bylaws, charter, or trust agreement;

(6) In the case of a joint program, the agreements with members of the program defining the responsibilities and benefits of each member and management;

(7) The proposed accounting, depositing, and investment practices of the program;

(8) The proposed time when actuarial analysis will be first conducted and the frequency of future actuarial analysis;

(9) A designation of the individual upon whom service of process shall be executed on behalf of the program. In the case of a joint program, a designation of the individual to whom service of process shall be forwarded by the risk manager on behalf of the program;

(10) All contracts between the program and private persons providing risk management, claims, or other administrative services;

(11) A professional analysis of the feasibility of creation and maintenance of the program; and

(12) Any other information required by rule of the state risk manager that is necessary to determine the probable financial and management success of the program or that is necessary to determine compliance with this chapter.

NEW SECTION. Sec. 8. A local government entity may participate in a joint self-insurance program covering property or liability risks with similar local government entities from other states if the program satisfies the following requirements:

(1) Only those local government entities of this state and similar entities of other states that are provided insurance by the program may have ownership interest in the program;

(2) The participating local government entities of this state and other states shall elect a board of directors to manage the program, a majority of whom shall be affiliated with one or more of the participating entities;

(3) The program must provide coverage through the delivery to each participating entity of one or more written policies effecting insurance of covered risks;

(4) The program shall be financed, including the payment of premiums and the contribution of initial capital, in accordance with the plan of management and operation submitted to the state risk manager in accordance with this chapter;

(5) The financial statements of the program shall be audited annually by the certified public accountants for the program, and such audited financial statements shall be delivered to the Washington state auditor and the state risk manager not more than one hundred twenty days after the end of each fiscal year of the program;

(6) The investments of the program shall be initiated only with financial institutions and/or broker-dealers doing business in those states in which participating entities are located, and such investments shall be audited annually by the certified public accountants for the program, and a list of such investments shall be delivered to the Washington state auditor not more than one hundred twenty days after the end of each fiscal year of the program;

(7) The treasurer of a multistate joint self-insurance program shall be designated by resolution of the program and such treasurer shall be located in the state of one of the participating entities;

(8) The participating entities may have no contingent liabilities for covered claims, other than liabilities for unpaid premiums, retrospective premiums, or assessments, if assets of the program are insufficient to cover the program's liabilities; and

(9) The program shall obtain approval from the state risk manager in accordance with this chapter and shall remain in compliance with the provisions of this chapter, except to the extent that such provisions are modified by or inconsistent with this section.

NEW SECTION. Sec. 9. (1) Within one hundred twenty days of receipt of a plan of management and operation, the state risk manager shall either approve or disapprove

the formation of the self-insurance program after reviewing the plan to determine whether the proposed program complies with this chapter and all rules adopted in accordance with this chapter.

(2) If the state risk manager denies a request for approval, the state risk manager shall specify in detail the reasons for denial and the manner in which the program fails to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

(3) Whenever the state risk manager determines that a joint self-insurance program covering property or liability risks or an individual or joint self-insured health and welfare benefits program is in violation of this chapter or is operating in an unsafe financial condition, the state risk manager may issue and serve upon the program an order to cease and desist from the violation or practice.

(a) The state risk manager shall deliver the order to the appropriate entity or entities directly or mail it to the appropriate entity or entities by registered mail with return receipt requested.

(b) If the program violates the order or has not taken steps to comply with the order after the expiration of twenty days after the cease and desist order has been received by the program, the program is deemed to be operating in violation of this chapter, and the state risk manager shall notify the state auditor and the attorney general of the violation.

(c) After hearing or with the consent of a program governed by this chapter and in addition to or in lieu of a continuation of the cease and desist order, the risk manager may levy a fine upon the program in an amount not less than three hundred dollars and not more than ten thousand dollars. The order levying such fine shall specify the period within which the fine shall be fully paid. The period within which such fines shall be paid shall not be less than fifteen nor more than thirty days from the date of such order. Upon failure to pay any such fine when due the risk manager shall request the attorney general to bring a civil action on the risk manager's behalf to collect the fine. The risk manager shall pay any fine so collected to the state treasurer for the account of the general fund.

(4) Each self-insurance program approved by the state risk manager shall annually file a report with the state risk manager and state auditor providing:

(a) Details of any changes in the articles of incorporation, bylaws, or interlocal agreement;

(b) Copies of all the insurance coverage documents;

(c) A description of the program structure, including participants' retention, program retention, and excess insurance limits and attachment point;

(d) An actuarial analysis, if required;

(e) A list of contractors and service providers;

(f) The financial and loss experience of the program; and

(g) Such other information as required by rule of the state risk manager.

(5) No self-insurance program requiring the state risk manager's approval may engage in an act or practice that in any respect significantly differs from the management and operation plan that formed the basis for the state risk manager's approval of the program unless the program first notifies the state risk manager in writing and obtains the state risk manager's approval. The state risk manager shall approve or disapprove the proposed change within sixty days of receipt of the notice. If the state risk manager denies a requested change, the risk manager shall specify in detail the reasons for denial and the manner in which the program would fail to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

NEW SECTION. Sec. 10. (1) All self-insurance programs governed by this chapter may provide for executive sessions in accordance with chapter 42.30 RCW to consider litigation and settlement of claims when it appears that public discussion of these matters would impair the program's ability to conduct its business effectively.

(2) Notwithstanding any provision to the contrary contained in the public disclosure act, chapter 42.17 RCW, in a claim or action against the state or a local government entity, no person is entitled to discover that portion of any funds or liability reserve established for purposes of satisfying a claim or cause of action, except that the reserve is discoverable in a supplemental or ancillary proceeding to enforce a judgment. All other records of individual or joint self-insurance programs are subject to disclosure in accordance with chapter 42.17 RCW.

(3) In accordance with chapter 42.17 RCW, bargaining groups representing local government employees shall have reasonable access to information concerning the experience and performance of any health and welfare benefits program established for the benefit of such employees.

NEW SECTION. Sec. 11. (1) The assets of a joint self-insurance program governed by this chapter may be invested only in accordance with the general investment authority that participating local government entities possess as a governmental entity.

(2) Except as provided in subsection (3) of this section, a joint self-insurance program may invest all or a portion of its assets by depositing the assets with the treasurer of a county within whose territorial limits any of its member local government entities lie, to be invested by the treasurer for the joint program.

(3) Local government members of a joint self-insurance program may by resolution of the program designate some other person having experience in financial or fiscal matters as treasurer of the program, if that designated treasurer is located in Washington state. The program shall, unless the program's treasurer is a county treasurer, require a bond obtained from a surety company authorized to do business in Washington in an amount and under the terms and conditions that the program finds will protect against loss arising from mismanagement or malfeasance in investing and managing program funds. The program may pay the premium on the bond.

All program funds must be paid to the treasurer and shall be disbursed by the treasurer only on warrants issued by the treasurer or a person appointed by the program and upon orders or vouchers approved by the program or as authorized under chapters 35A.40 and 42.24 RCW. The treasurer shall establish a program account, into which shall be recorded all program funds, and the treasurer shall maintain such special accounts as may be created by the program into which the treasurer shall record all money as the program may direct by resolution.

(4) The treasurer of the joint program shall deposit all program funds in a qualified public depository or depositories as defined in RCW 39.58.010(2) and under the same restrictions, contracts, and security as provided for any participating local government entity, and such depository shall be designated by resolution of the program.

(5) All interest and earnings collected on joint program funds belong to the program and must be deposited to the program's credit in the proper program account.

(6) A joint program may require a reasonable bond from any person handling money or securities of the program and may pay the premium for the bond.

(7) Subsections (3) and (4) of this section do not apply to a multistate joint self-insurance program governed by section 8 of this act.

NEW SECTION. Sec. 12. (1) No employee or official of a local government entity may directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the program. No employee or official of a local government entity may accept or solicit anything of value for personal benefit or for the benefit of others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2) No local government entity may participate in a joint self-insurance program in which local government entities do not retain complete governing control. This prohibition does not apply to local government contribution to a self-insured employee health and welfare benefits plan otherwise authorized and governed by state statute nor to local government participation in a multistate joint program where control is shared with local government entities from other states.

(3) Moneys made available and moneys expended by school districts and educational service districts for self-insurance under this chapter are subject to such rules of the superintendent of public instruction as the superintendent may adopt governing budgeting and accounting. However, the superintendent shall ensure that the rules are consistent with those adopted by the state risk manager for the management and operation of self-insurance programs.

(4) RCW 48.30.140, 48.30.150, 48.30.155, and 48.30.157 apply to the use of agents and brokers by local government self-insurance programs.

(5) Every individual and joint local government self-insured health and welfare benefits program that provides comprehensive coverage for health care services shall include mandated benefits that the state health care authority is required to provide under RCW 41.05.170 and 41.05.180. The state risk manager may adopt rules identifying the mandated benefits.

NEW SECTION. Sec. 13. Every local government entity that has established a self-insurance program not subject to the prior approval requirements of this chapter shall provide written notice to the state auditor of the existence of the program. The notice must identify the manager of the program and the class or classes of risk self-insured. The notice must also identify all investments and distribution of assets of the program, the current depository of assets and the program's designation of asset depository and investment agent as required by section 11 of this act. In addition, the local government entity shall notify the state auditor whenever the program covers a new class of risk or discontinues the self-insurance of a class of risk.

NEW SECTION. Sec. 14. Every joint self-insurance program covering liability or property risks shall provide for the contingent liability of participants in the program if assets of the program are insufficient to cover the program's liabilities, unless coverage in the joint program is expressly limited to the available assets of the program and the limitation is expressly acknowledged or agreed upon by the local government entities.

NEW SECTION. Sec. 15. A joint self-insurance program approved in accordance with this chapter is exempt from insurance premium taxes, from fees assessed under chapter 48.02 RCW, from chapters 48.32 and 48.32A RCW, from business and occupations taxes imposed under chapter 82.04 RCW, and from any assigned risk plan or joint underwriting association otherwise required by law. This section does not apply to and no exemption is provided for insurance companies issuing policies to cover program risks.

NEW SECTION. Sec. 16. (1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations shall be charged to the self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) After the formation of the two advisory boards, each board may calculate, levy, and collect from each joint property and liability self-insurance program and each individual and joint health and welfare benefit program regulated by this chapter a start-up assessment to pay initial expenses and operating costs of the boards and the risk manager's office in administering this chapter. Any program failing to remit its

assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

NEW SECTION. Sec. 17. (1) Any person who files reports or furnishes other information required under Title 48 RCW, required by the risk manager or the state auditor under authority granted by Title 48 RCW, or which is useful to the risk manager or the state auditor in the administration of Title 48 RCW, shall be immune from liability in any civil action or suit arising from the filing of any such report or furnishing such information to the risk manager or to the state auditor, unless actual malice, fraud, or bad faith is shown.

(2) The risk manager and the state auditor, and the agents and employees of each, are immune from liability in any civil action or suit arising from the publication of any report or bulletins or arising from dissemination of information related to the official activities of the risk manager, the advisory boards, or the state auditor, unless actual malice, fraud, or bad faith is shown.

(3) The immunity granted by this section is in addition to any common law or statutory privilege or immunity enjoyed by such person, and nothing in this section is intended to abrogate or modify in any way such common law or statutory privilege or immunity.

Sec. 18. RCW 41.04.180 and 1974 ex.s. c 82 s 1 are each amended to read as follows:

Any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW or self-insurers as provided for in chapter ((48.52)) 48.62 RCW, for group hospitalization and medical aid policies or plans: PROVIDED, That any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors or other health care plans, including but not limited to, trusts of self-insurance as provided for in chapter ((48.52)) 48.62 RCW: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.400.350.

Sec. 19. RCW 35.23.460 and 1965 c 7 s 35.23.460 are each amended to read as follows:

Subject to chapter 48.62 RCW, any city of the second or third class or town may contract with an insurance company authorized to do business in this state to provide group insurance for its employees including group false arrest insurance for its law enforcement personnel, and pursuant thereto may use a portion of its revenues to pay an employer's portion of the premium for such insurance, and may make deductions from the payrolls of employees for the amount of the employees' contribution and may apply the amount deducted in payment of the employees' portion of the premium.

Sec. 20. RCW 35A.41.020 and 1983 c 3 s 66 are each amended to read as follows:

Except as otherwise provided in this title, the general provisions relating to public employment, including hospitalization and medical aid as provided in chapter 41.04 RCW, and the application of federal social security for public employees, the acceptance of old age and survivors insurance as provided in chapters 41.47 and 41.48 RCW, military leave as provided in RCW 38.40.060, self-insurance as provided in chapter 48.62 RCW, the application of industrial insurance as provided in Title 51 RCW, and chapter 43.101 RCW

relating to training of law enforcement officers, shall apply to code cities. Any code city may retain any civil service system theretofore in effect in such city and may adopt any system of civil service which would be available to any class of city under general law.

Sec. 21. RCW 36.32.400 and 1975-'76 2nd ex.s. c 106 s 7 are each amended to read as follows:

Subject to chapter 48.62 RCW, any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Nothing in this section shall impair the eligibility of any employee of a county, municipality, or other political subdivision under RCW 41.04.205.

Sec. 22. RCW 53.08.170 and 1987 c 50 s 1 are each amended to read as follows:

The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commissioner shall by resolution provide: PROVIDED, That any district providing insurance benefits for its employees in any manner whatsoever may provide health and accident insurance, life insurance with coverage not to exceed that provided district employees, and business related travel, liability, and errors and omissions insurance, for its commissioners, which insurance shall not be considered to be compensation.

Subject to chapter 48.62 RCW, the port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds: PROVIDED FURTHER, That no port district employee shall be allowed to apply for admission to or be accepted as a member of the state employees' retirement system after January 1, 1965, if admission to such system would result in coverage under both a private pension system and the state employees' retirement system, it being the purpose of this proviso that port districts shall not at the same time contribute for any employee to both a private pension or retirement plan and to the state employees' retirement system. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries, benefits, or taxes of other employers or otherwise; to enter into such contracts and arrangements with and to transfer by warrant such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to

garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

Sec. 23. RCW 54.04.050 and 1984 c 15 s 1 are each amended to read as follows:

(1) Subject to chapter 48.62 RCW, any public utility district engaged in the operation of electric or water utilities may enter into contracts of group insurance for the benefit of its employees, and pay all or any part of the premiums for such insurance. Such premiums shall be paid out of the revenues derived from the operation of such properties: PROVIDED, That if the premium is to be paid by the district and employees jointly, and the benefits of the policy are offered to all eligible employees, not less than seventy-five percent of such employees may be so insured.

(2) A public utility district whose employees or officials are not members of the state retirement system engaged in the operation of electric or water utilities may contract for individual annuity contracts, retirement income policies or group annuity contracts, including prior service, to provide a retirement plan, or any one or more of them, and pay all or any part of the premiums therefor out of the revenue derived from the operation of its properties.

Sec. 24. RCW 56.08.100 and 1991 c 82 s 1 are each amended to read as follows:

Subject to chapter 48.62 RCW, a sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A sewer district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 25. RCW 57.08.100 and 1991 c 82 s 5 are each amended to read as follows:

Subject to chapter 48.62 RCW, a water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance and/or term life insurance and/or social security insurance for the benefit of its employees and may pay all or any part of the cost thereof. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

A water district with five thousand or more customers providing health, group, or life insurance to its employees may provide its commissioners with the same coverage: PROVIDED, That the per person amounts for such insurance paid by the district shall not exceed the per person amounts paid by the district for its employees.

Sec. 26. RCW 43.09.260 and 1979 c 71 s 1 are each amended to read as follows:

The state auditor, the chief examiner, and every state examiner shall have power by himself or herself or by any person legally appointed to perform the service, to examine into all financial affairs of every public office and officer.

The examination of the financial affairs of all taxing districts shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all taxing districts shall be made at least once in

every three years, and an examination of individual local government health and welfare benefit plans and joint local government self-insurance programs shall be made at least once every two years. The term "taxing districts" for purposes of RCW 43.09.190 through 43.09.285 includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

The state auditor shall establish a schedule to govern the auditing of taxing districts which shall include: A designation of the various classifications of taxing districts; a designation of the frequency for auditing each type of taxing district; and a description of events which cause a more frequent audit to be conducted.

On every such examination, inquiry shall be made as to the financial condition and resources of the taxing district; whether the Constitution and laws of the state, the ordinances and orders of the taxing district, and the requirements of the division of municipal corporations have been properly complied with; and into the methods and accuracy of the accounts and reports.

The state auditor, his or her deputies, every state examiner and every person legally appointed to perform such service, may issue subpoenas and compulsory process and direct the service thereof by any constable or sheriff, compel the attendance of witnesses and the production of books and papers before him or her at any designated time and place, and may administer oaths.

When any person summoned to appear and give testimony neglects or refuses so to do, or neglects or refuses to answer any question that may be put to him or her touching any matter under examination, or to produce any books or papers required, the person making such examination shall apply to a superior court judge of the proper county to issue a subpoena for the appearance of such person before him or her; and the judge shall order the issuance of a subpoena for the appearance of such person forthwith before him to give testimony; and if any person so summoned fails to appear, or appearing, refuses to testify, or to produce any books or papers required, he or she shall be subject to like proceedings and penalties for contempt as witnesses in the superior court. Willful false swearing in any such examination shall be perjury and punishable as such.

A report of such examination shall be made in triplicate, one copy to be filed in the office of the state auditor, one in the auditing department of the taxing district reported upon, and one in the office of the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

It shall be unlawful for the county commissioners or any board or officer to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Sec. 27. RCW 39.58.080 and 1986 c 160 s 1 are each amended to read as follows:

Except for funds deposited pursuant to a fiscal agency contract with the state fiscal agent or its correspondent bank, and funds deposited pursuant to a local government multistate joint self-insurance program as provided in section 8 of this act, no public funds shall be deposited in demand or investment deposits except in a qualified public depository located in this state or as otherwise expressly permitted by statute: PROVIDED, That the commission, upon good cause shown, may authorize a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington solely for the purpose of transmitting money received to financial institutions

in the state of Washington for deposit for such time and upon such terms and conditions as the commission deems appropriate.

Sec. 28. RCW 4.28.080 and 1987 c 361 s 1 are each amended to read as follows:

The summons shall be served by delivering a copy thereof, as follows:

(1) If the action be against any county in this state, to the county auditor or, during normal office hours, to the deputy auditor, or in the case of a charter county, summons may be served upon the agent, if any, designated by the legislative authority.

(2) If against any town or incorporated city in the state, to the mayor, city manager, or, during normal office hours, to the mayor's or city manager's designated agent or the city clerk thereof.

(3) If against a school or fire district, to the superintendent or commissioner thereof or by leaving the same in his or her office with an assistant superintendent, deputy commissioner, or business manager during normal business hours.

(4) If against a railroad corporation, to any station, freight, ticket or other agent thereof within this state.

(5) If against a corporation owning or operating sleeping cars, or hotel cars, to any person having charge of any of its cars or any agent found within the state.

(6) If against a domestic insurance company, to any agent authorized by such company to solicit insurance within this state.

(7) If against a foreign or alien insurance company, as provided in chapter 48.05 RCW.

(8) If against a company or corporation doing any express business, to any agent authorized by said company or corporation to receive and deliver express matters and collect pay therefor within this state.

(9) If the suit be against a company or corporation other than those designated in the preceding subdivisions of this section, to the president or other head of the company or corporation, the registered agent, secretary, cashier or managing agent thereof or to the secretary, stenographer or office assistant of the president or other head of the company or corporation, registered agent, secretary, cashier or managing agent.

(10) If the suit be against a foreign corporation or nonresident joint stock company, partnership or association doing business within this state, to any agent, cashier or secretary thereof.

(11) If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, guardian, or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed, if such there be.

(12) If against any person for whom a guardian has been appointed for any cause, then to such guardian.

(13) If against a foreign or alien steamship company or steamship charterer, to any agent authorized by such company or charterer to solicit cargo or passengers for transportation to or from ports in the state of Washington.

(14) If against a joint self-insurance program regulated by chapter 48.62 RCW, as provided in chapter 48.62 RCW.

(15) In all other cases, to the defendant personally, or by leaving a copy of the summons at the house of his usual abode with some person of suitable age and discretion then resident therein.

Service made in the modes provided in this section shall be taken and held to be personal service.

NEW SECTION. Sec. 29. Sections 1 through 17 of this act shall be added to chapter 48.62 RCW.

NEW SECTION. Sec. 30. (1) This act shall take effect January 1, 1992, but the state risk manager shall take all steps necessary to implement this act on its effective date.

(2) Every individual local government self-insured employee health and welfare plan and joint self-insurance program that has been in continuous operation for at least one year before the effective date of this act need not obtain approval to continue operations until January 1, 1993, but must comply with all other provisions of this act.

(3) Local government entity authority to self-insure employee health and welfare benefits applies retroactively to 1979.

NEW SECTION. Sec. 31. All rules adopted by the superintendent of public instruction by the effective date of this act that apply to self-insurance programs of educational service districts remain in effect until expressly amended, repealed, or superseded by the state risk manager or the state health care authority.

NEW SECTION. Sec. 32. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

- (1) RCW 48.62.010 and 1985 c 277 s 1 & 1979 ex.s. c 256 s 1;
- (2) RCW 48.62.020 and 1979 ex.s. c 256 s 2;
- (3) RCW 48.62.030 and 1985 c 277 s 2, 1983 c 59 s 17, & 1979 ex.s. c 256 s 3;
- (4) RCW 48.62.035 and 1985 c 277 s 3;
- (5) RCW 48.62.040 and 1986 c 302 s 1, 1985 c 278 s 1, & 1979 ex.s. c 256 s 4;
- (6) RCW 48.62.050 and 1989 c 175 s 114 & 1979 ex.s. c 256 s 5;
- (7) RCW 48.62.060 and 1979 ex.s. c 256 s 6;
- (8) RCW 48.62.070 and 1988 c 281 s 4, 1985 c 277 s 4, & 1979 ex.s. c 256 s 7;
- (9) RCW 48.62.080 and 1985 c 277 s 5 & 1979 ex.s. c 256 s 8;
- (10) RCW 48.62.090 and 1979 ex.s. c 256 s 9;
- (11) RCW 48.62.100 and 1985 c 277 s 6 & 1979 ex.s. c 256 s 10;
- (12) RCW 48.62.110 and 1985 c 277 s 7 & 1979 ex.s. c 256 s 11; and
- (13) RCW 48.62.120 and 1979 ex.s. c 256 s 12.

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 41.04.180, 35.23.460, 35A.41.020, 36.32.400, 53.08.170, 54.04.050, 56.08.100, 57.08.100, 43.09.260, 39.58.080, and 4.28.080; adding new sections to chapter 48.62 RCW; creating new sections; repealing RCW 48.62.010, 48.62.020, 48.62.030, 48.62.035, 48.62.040, 48.62.050, 48.62.060, 48.62.070, 48.62.080, 48.62.090, 48.62.100, 48.62.110, and 48.62.120; and providing an effective date." and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary

MOTION

Mr. Dellwo moved that the House do concur in the Senate amendments to Substitute House Bill No. 1907.

Representatives Dellwo and Broback spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Substitute House Bill No. 1907 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1907 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 80, Nays - 13, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Hochstatter, Holland, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, McLean, Meyers, R., Mielke, Miller, Mitchell, Myers, H., Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Sommers, D., Sommers, H., Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Betrozoff, Bowman, Brumsickle, Chandler, Edmondson, Fuhrman, Horn, Lisk, May, Morton, Padden, Silver, Wood - 13.

Excused: Representatives Ballard, Haugen, Morris, Moyer, Peery - 05.

Substitute House Bill No. 1907 as amended by the Senate, Having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

June 28, 1991

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2235 with the following amendments:

On page 10, beginning on line 5, strike all of section 13, and renumber the remaining sections accordingly

On page 1, line 5 of the title, after "77.32.380;" strike "adding a new section to chapter 7732.RCW;" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary

MOTION

Mr. Wang moved that the house do concur in the Senate amendments to Engrossed House Bill No. 2235.

Representatives Wang and Morton spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of Engrossed House Bill No. 2235 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2235 as amended by the Senate, and the bill passed the House by the following vote: Yeas - 65, Nays - 28, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Cole, Day, Dellwo, Dorn, Ebersole, Fisher, G., Fisher, R., Former, Franklin, Fraser, Grant, Hargrove, Hine, Holland, Inslee, Jacobsen, Johnson R., Jones, King, R., Leonard, Ludwig, May, Meyers, R., Miller, Mitchell, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Phillips, Prentice, Prince, Pruitt, Rasmussen, Riley, Roland, Rust, Schmidt, Scott, Silver, Sommers, D., Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Winsley, Wood, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Beck, Betrozoff, Bowman, Brumsickle, Casada, Chandler, Cooper, Edmondson, Ferguson, Fuhrman, Heavey, Hochstatter, Horn, Johnson P., Kremen, Lisk, Locke, McLean, Mielke, Morton, Nealey, Padden, Rayburn, Sheldon, Tate, Vance, Van Luven, Wynne - 28.

Excused: Representatives Ballard, Haugen, Morris, Moyer, Peery - 05

Engrossed House Bill No. 2235 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

June 28, 1991

Mr. Speaker:

The Senate has passed HOUSE CONCURRENT RESOLUTION NO. 4422 with the following amendments:

On page 2, line 15, after "Plan" delete "I" and "II"

On page 2, line 16, after "System, Plan" delete "I. (except Plan II)" and insert "II" and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary

MOTION

Ms. Hine moved that the House do concur in the Senate amendments to House Concurrent Resolution No. 4422. The motion was carried.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Mr. R. Meyers presiding) stated the question before the House to be final passage of House Concurrent Resolution No. 4422 as amended by the Senate.

House Concurrent Resolution No. 4422 as amended by the Senate was adopted.

MESSAGE FROM THE SENATE

June 28, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1025,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

MOTION

On motion of Ms. Cole, Representatives Hargrove and O'Brien were excused.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4714, by Representatives Basich, Brumsickle, Dorn, Wineberry, Peery, Leonard, McLean, Holland, Rasmussen, Cole, Franklin, Ebersole, Neher, Anderson, Appelwick, Ballard, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Cantwell, Casada, Chandler, Cooper, Day, Dellwo, Edmondson, Ferguson, G. Fisher, R. Fisher, Former, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Horn, Insee, Jacobsen, P. Johnson, R. Johnson, Jones, J. King, R. King, Kremen, Lisk, Locke, Ludwig, May, R. Meyers, Mielke, Miller, Mitchell, Morris, Morton, Moyer, H. Myers, Nealey, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Phillips, Prentice, Prince, Pruitt, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne and Zellinsky

WHEREAS, The House of Representatives finds that the lack of self-esteem is central to most personal and social issues plaguing our state and that self-esteem is the likeliest candidate for a social vaccine, something that empowers our citizens to live responsibly and inoculates our citizens against crime, violence, substance abuse, teen pregnancy, child abuse, chronic welfare dependency, and educational failure; and

WHEREAS, The House of Representatives adopts the following definition of self-esteem: Appreciating my own worth and importance and having the character to be accountable for myself and to act responsibly toward others; and

WHEREAS, Self-esteem is a causal factor in educational failure and that failure to learn can be catastrophic for the individual and staggering in its costs to society; and

WHEREAS, Families are the most crucial ingredient in nurturing the sense of self-esteem and schools are second only to families in nurturing the self-esteem necessary for personal and academic success; and

WHEREAS, Teachers are central figures in the lives of their students and prospective teachers should receive training regarding self-esteem both in teacher training programs in colleges and universities and as part of ongoing staff development;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That every school district and every institution of higher education in Washington are strongly encouraged to adopt the promotion of self-esteem and personal and social responsibility as a clearly stated goal, integrate self-esteem in their total curriculum, and inform all persons of their policies and operations; that school boards and the administration in the schools and institutions of higher education are strongly encouraged to establish policies and procedures that value staff members and students and serve to foster mutual respect, esteem, and cooperation; and that schools and school districts are strongly encouraged to derive school goals through consensus rather than impose them by administrative edict and to develop rules and disciplinary procedures in a collaborative manner among the administrators, teachers, parents, and students; and

BE IT FURTHER RESOLVED, That schools, school districts, and institutions of higher education are strongly encouraged to require course work in self-esteem for credentials and as a part of ongoing in-service training for all educators, including at least one course in the nature and development of self-esteem in one's self and in one's students as a requirement for credentials in teaching, counseling, or administration and for maintaining those credentials; and that school districts are strongly encouraged to develop and expand training in the development of self-esteem and personal and social responsibility as part of their ongoing staff development; and

BE IT FURTHER RESOLVED, That school districts and institutions of higher education are strongly encouraged to support and expand programs to enhance the self-esteem, character development, and academic success of all students, with special emphasis on those in greatest jeopardy of academic failure; and

BE IT FURTHER RESOLVED, That school districts are strongly encouraged to develop a real-life skills curriculum to include self-esteem and personal responsibility components, which curriculum shall provide instruction in basic living skills, such as developing and maintaining good character, positive self-esteem, conflict resolution, effective communication, goal setting and goal achievement, time and money management, creative problem-solving, leadership, stress management, and decision making, as well as basic values, such as responsibility, honesty, integrity, self-discipline, equity, and cooperation. School districts are strongly encouraged to make every effort as part of the real-life skills curriculum to promote respect for parental decision making regarding basic living skills and values of their children and to avoid interference with parental decision making in these areas by the school districts. School districts are strongly encouraged to convene a broadly representative group to develop this real-life skills curriculum, including university professors, curriculum development specialists, local high school district personnel, community and business leaders, students, and parents; and

BE IT FURTHER RESOLVED, That school districts are strongly encouraged to foster family-school partnerships to engage the support and involvement of parents in their children's education; that such a partnership should enlist parental input in school programs, procedures, and curriculum development and to assist teachers in the classroom and should help parents learn skills necessary to improve their children's academic achievement and sense of self-esteem and responsibility; and that the parent-school partnership should allow and encourage participation on the part of working parents as well as homemakers, fathers as well as mothers, and step-parents and other caretakers; and

BE IT FURTHER RESOLVED, That school districts are strongly encouraged to strive to reduce class sizes and in the meantime to use techniques that allow for more individualized attention despite large class sizes; and

BE IT FURTHER RESOLVED, That school districts are strongly encouraged to enhance growth in self-esteem by developing, supporting, and expanding peer counseling training programs for middle-level and senior high school students; and

BE IT FURTHER RESOLVED, That school districts are strongly encouraged to promote arts programs that stress creative growth as a means of strengthening students' self-esteem and responsibility; and

BE IT FURTHER RESOLVED, That schools and school districts are strongly encouraged to offer opportunities for students of all ages to do community service work programs; and

BE IT FURTHER RESOLVED, That school districts and institutions of higher education are strongly encouraged to institute effective programs for staff and students to ensure equality of treatment and opportunity for all and to teach and practice the principles of compassion, caring, and understanding, as well as responsible character development as part of their efforts to promote personal and social responsibility; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the office of the superintendent of public instruction, the state board of education, the Washington state school directors' association, the Washington association of school administrators, the Washington education association, the association of Washington school principals, the Washington state parent-teacher association, the higher education coordinating board, the state board for community colleges, the presidents of all state and private institutions of higher education in this state, the Washington State University and the University of Washington student lobby directors and associated student body presidents, the director of each equal opportunity program at each institution of higher education in this state, and each counseling center at each institution of higher education in this state.

Mr. Basich moved adoption of the resolution. Representatives Basich and Brumsickle spoke in favor of the resolution.

House Resolution No. 91-4714 was adopted.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Dorn, the House adjourned until 9:00 a.m., Saturday, June 29, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

TWENTIETH DAY

MORNING SESSION

House Chamber, Olympia, Saturday, June 29, 1991

The House was called to order at 9:00 a.m. by the Speaker (Mr. Paris presiding). The Clerk called the roll and all members were present except Representative Haugen.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Patty Morin and Susan Curtis. Prayer was offered by Charlotte Beeler, Minister of Risen Faith Fellowship of Olympia.

The Speaker (Mr. Paris presiding) called on Representative O'Brien to preside.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

June 28, 1991

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5790, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

June 28, 1991

Mr. Speaker:

The Senate has passed:
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1058,
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

The Speaker (Mr. O'Brien presiding) called on Representative Appelwick to preside.

The Speaker (Mr. Appelwick presiding) declared the House to be at ease. The Speaker called the House to order.

MOTION

On motion of Ms. Cole, Representative Haugen was excused.

MOTION FOR RECONSIDERATION

Mr. Braddock, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed House Bill No. 1890 failed to pass the House.

RECONSIDERATION

The Speaker stated the question before the House to be reconsideration of final passage of Engrossed House Bill No. 1890.

Representatives Braddock and Moyer spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on reconsideration of final passage of Engrossed House Bill No. 1890, and the bill passed the House by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Braddock, Bray, Brekke, Cantwell, Casada, Cole, Cooper, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hargrove, Heavey, Hine, Inslee, Jacobsen, Johnson R., King, R., Leonard, Locke, Ludwig, May, Miller, Morris, Moyer, Myers, H., Nelson, O'Brien, Ogden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Sheldon, Silver, Sommers, H., Spanel, Sprenkle, Valle, Wang, Wilson, Wineberry, Wood, and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Beck, Betzoff, Bowman, Broback, Brough, Brumsickle, Chandler, Day, Dellwo, Edmondson, Forner, Fuhrman, Hochstatter, Holland, Horn, Johnson P., Jones, Kremen, Lisk, McLean, Meyers, R., Mielke, Mitchell, Morton, Nealey, Neher, Orr, Padden, Schmidt, Scott, Sommers, D., Tate, Vance, Van Luven, Winsley, Wynne, Zellinsky - 38.

Excused: Representative Haugen - 01.

Engrossed House Bill No. 1890, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

June 28, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1427

June 28, 1991
Includes "New Item": YES

Adopting the Capital Budget.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427, Capital Budget, have had the same under consideration and we recommend that:

(1) The Senate Committee on Ways & Means striking amendments adopted on April 24, 1991, be rejected; and

(2) That the following Conference Committee amendments be adopted; and

(3) That the Conference Committee amendments be further amended to make technical corrections to the conference report as follows:

On page 19, line 20, after "park." insert "Any expenditure made under this appropriation shall conform to the capital campus master plan."

On page 28, line 3, following "grants" strike "to local governments"

On page 36, line 10, strike "To complete a plan for" and insert "For"

On page 142, line 4, after "preparing" strike ", and operating"

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 1993, out of the several funds specified in this act.

NEW SECTION. Sec. 2. As used in this act, the following phrases have the following meanings:

"CEP & RI Acct" means Charitable, Educational, Penal, and Reformatory Institutions Account;

"CWU Cap Proj Acct" means Central Washington University Capital Projects Account;

"Cap Bldg Constr Acct" means Capitol Building Construction Account;

"Cap Purch & Dev Acct" means Capitol Purchase and Development Account;

"Capital improvements" or "capital projects" means acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets;

"Common School Constr Fund" means Common School Construction Fund;

"Common School Reimb Constr Acct" means Common School Reimbursable Construction Account;

"Drug Enf & Ed Acct" means Drug Enforcement and Education Account;

"DSHS Constr Acct" means State Social and Health Services Construction Account;

"Energy Eff Constr Acct" means Energy Efficiency Construction Account;

"Energy Eff Svcs Acct" means Energy Efficiency Services Account;

"ESS Rail Assis Acct" means Essential Rail Assistance Account;

"ESS Rail Bank Acct" means Essential Rail Bank Account;

"EWU Cap Proj Acct" means Eastern Washington University Capital Projects Account;

"East Cap Constr Acct" means East Capitol Construction Account;

"East Cap Devel Acct" means East Campus Development Account;

"Fish Cap Proj Acct" means Fisheries Capital Projects Account;

"For Dev Acct" means Forest Development Account;

"Game Spec Wildlife Acct" means Game Special Wildlife Account;

"H Ed Constr Acct" means Higher Education Construction Account 1979;

"H Ed Reimb Constr Acct" means Higher Education Reimbursable Construction Account;

"H Ed Reimb S/T bonds Acct" means Higher Education Reimbursable Short-Term Bonds Account;

"Hndcp Fac Constr Acct" means Handicapped Facilities Construction Account;

"L & I Constr Acct" means Labor and Industries Construction Account;

"LIRA" means State and Local Improvement Revolving Account;

"LIRA, DSHS Fac" means Local Improvements Revolving Account-- Department of Social and Health Services Facilities;

"LIRA, Public Rec Fac" means State and Local Improvement Revolving Account--Public Recreation Facilities;

"LIRA, Waste Disp Fac" means State and Local Improvement Revolving Account--Waste Disposal Facilities;

"LIRA, Waste Fac 1980" means State and Local Improvement Revolving Account--Waste Disposal Facilities 1980;

"LIRA, Water Sup Fac" means State and Local Improvement Revolving Account--Water supply facilities;

"Lapse" or "revert" means the amount shall return to an unappropriated status;

"Local Jail Imp & Constr Acct" means Local Jail Improvement and Construction Account;

"ORA" means Outdoor Recreation Account;

"ORV" means off road vehicle;

"Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse;

"Pub Fac Constr Loan Rev Acct" means Public Facility Construction Loan Revolving Account;

"Public Safety and Education Acct" means Public Safety and Education Account;

"Res Mgmt Cost Acct" means Resource Management Cost Account;

"Sal Enhmt Constr Acct" means Salmon Enhancement Construction Account;

"St Bldg Constr Acct" means State Building Construction Account;

"St Fac Renew Acct" means State Facilities Renewal Account;

"St H Ed Constr Acct" means State Higher Education Construction Account;

"State Emerg Water Proj Rev" means Emergency Water Project Revolving Account--State;

"TESC Cap Proj Acct" means The Evergreen State College Capital Projects Account;

"UW Bldg Acct" means University of Washington Building Account;

"Unemp Comp Admin Acct" means Unemployment Compensation Administration Account;

"WA St Dev Loan Acct" means Washington State Development Loan Account;

"Wildlife Reimb Constr Acct" means Wildlife Reimbursable Construction Account;

"WSP Constr Acct" means Washington State Patrol Construction Account;

"WSP Highway Acct" means Washington State Patrol Highway Account;

"WSU Bldg Acct" means Washington State University Building Account;

"WWU Cap Proj Acct" means Western Washington University Capital Projects Account.

Numbers shown in parentheses refer to project identifier codes established by the office of financial management.

**"PART 1
GENERAL GOVERNMENT"**

NEW SECTION. Sec. 3. FOR THE OFFICE OF THE SECRETARY OF STATE		
(1)	Northwest Washington Regional Branch Archives: To design and construct the northwest Washington regional branch archives (90-1-003)	
	Reappropriation:	
	St Bldg Constr Acct \$	2,839,000
	Appropriation:	
	St Bldg Constr Acct \$	360,000
	Prior Biennia (Expenditures) \$	200,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	3,399,000
(2)	Olympia Archives Building: To acquire and install moveable shelving in the Olympia archives building (92-2-005)	
	Appropriation:	
	St Bldg Constr Acct \$	60,800
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	60,800
(3)	Birch Bay: To replace the roof and doors at the Birch Bay essential storage site (92-3-003)	
	Appropriation:	
	St Bldg Constr Acct \$	22,200
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	22,200
(4)	Puget Sound Regional Branch Archives: To preplan renovations and begin initial repair of a building adjacent to the existing Puget Sound branch archives (92-5-002)	
	Appropriation:	
	St Bldg Constr Acct \$	52,400
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	500,000
	TOTAL \$	552,400

NEW SECTION. Sec. 4. FOR THE COURT OF APPEALS

Washington State Court of Appeals Courthouse, Spokane: To upgrade the heating-ventilation-air conditioning system and convert a supply room into a secure vault for storage of court records and evidence

Appropriation:	
St Bldg Constr Acct	\$ 236,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 236,000

NEW SECTION. Sec. 5. FOR THE OFFICE OF THE ADMINISTRATOR FOR THE COURTS

(1) Olympia eastside building repair: To replace the heating, ventilation, and air conditioning system

Appropriation:	
St Bldg Constr Acct	\$ 150,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 150,000

NEW SECTION. Sec. 6. FOR THE OFFICE OF FINANCIAL MANAGEMENT

(1) Local jail facilities (88-2-001)

Reappropriation:	
St Bldg Constr Acct	\$ 308,000
Prior Biennia (Expenditures)	\$ 2,692,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 3,000,000

(2) For environmental cleanup related to underground storage tanks
 The appropriation in this subsection is subject to the following conditions and limitations:

(a) The moneys provided in this subsection shall be allocated to the agencies and institutions of the state for environmental cleanup projects related to underground storage tanks.

(b) No moneys appropriated in this subsection or in any subsection specifically referencing this subsection may be expended unless the office of financial management, in consultation with the department of general administration, has reviewed and approved the cost estimates for the project. Projects to replace underground storage tanks shall conform with guidelines to minimize the risk of environmental contamination and reduce unnecessary duplication of tanks. The guidelines shall be adopted by the department of general administration and shall provide for consideration of environmental risks associated with tank installations, interagency agreements for sharing fueling facilities, and the feasibility of alternative fueling systems.

Appropriation:	
St Bldg Constr Acct	\$ 3,729,000
CEP & RI Acct	\$ 390,000
For Dev Acct	\$ 37,000
Res Mgmt Cost Acct	\$ 118,000

Subtotal Appropriation \$	4,274,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	0

TOTAL \$	4,274,000

(3) For asbestos removal or abatement projects

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The moneys provided in this subsection shall be allocated to agencies and institutions of the state for asbestos removal or abatement projects.

(b) No moneys appropriated in this subsection or in any subsection specifically referencing this subsection may be expended unless the project is required by (i) state law and approved by the office of financial management; (ii) an order of a court of competent jurisdiction; or (iii) federal law or regulation. The office of financial management shall approve the expenditure of moneys under this subsection only to the extent that the asbestos removal or abatement is incidental to, and necessitated by, a renovation, remodel, or other capital project. In all cases, only the minimum amount of asbestos work necessary to complete the improvement shall be approved. Asbestos removal or abatement shall not occur independently of other capital improvements except as provided under (i), (ii), or (iii) of this subsection.

(c) Moneys may be allocated for an asbestos removal or abatement project only to the extent that the project is necessary to eliminate or reduce a hazard to human health and the project is completed in compliance with asbestos project standards adopted by the department of general administration. The department of general administration shall adopt standards to restrict the amount of asbestos removal to the minimum amount necessary.

(d) Subsections (3)(b) and (c) of this section do not apply to moneys reappropriated in this act for projects for which, before the effective date of this act, the design has been completed, bids have been requested, or a contract has been entered into.

Reappropriation:

St Bldg Constr Acct \$	4,919,000
CEP & RI Acct \$	25,000

Subtotal Reappropriation . . . \$	4,944,000
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Appropriation:

St Bldg Constr Acct \$	9,588,000
CEP & RI Acct \$	540,000

Subtotal Appropriation \$	10,128,000
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Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	0

TOTAL \$	14,448,000

(4) Higher education: Branch campuses site acquisition and development (90-5-002)

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The appropriations in this subsection are provided solely for the acquisition of land and/or construction of facilities for branch campuses recommended by the higher education coordinating board, and shall be allocated to appropriate public institutions of higher education upon approval of the board.

(b) Allocations from the appropriation in this subsection for land acquisition in the Spokane area shall be subject to the provisions of chapter 205, Laws of 1991 (House Bill No. 2198) and approval by the higher education coordinating board.

(c) No facility may be constructed on the Spokane riverfront property, other than the Spokane Intercollegiate Research and Technology Institute (SIRTI) building, until a master plan for facilities that incorporates the SIRTI building and provides for maximum joint use of facilities, is completed by the joint center board and approved by the higher education coordinating board.

(d) The appropriation in this subsection shall not be expended for land acquisition in the Spokane area until an environmental study has been completed that indicates the property is free of toxic substances.

(e) Any allocations made from the appropriation in this subsection for construction projects costing more than \$4,000,000 shall not be expended on design documents or construction until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct	\$	31,301,667
Appropriation:		
St Bldg Constr Acct	\$	31,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	109,000,000

TOTAL	\$	171,301,667

- (5) Capital plan improvements: To develop state-wide capital cost standards, planning guidelines and policies, and internal rent strategies

Appropriation:

St Bldg Constr Acct	\$	282,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	282,000

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

- (1) Life and safety projects: To improve life and safety deficiencies and correct code violations on the capitol campus (88-1-006)

Reappropriation:

Cap Bldg Constr Acct	\$	23,000
Prior Biennia (Expenditures)	\$	90,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	113,000

- (2) Minor works: To complete minor works and other projects, including inadequate building systems (88-2-008), Northern State facility repairs (90-1-012), boiler plant structural repairs (90-1-016), building exterior repairs (90-2-006), mechanical system repairs (90-2-009), and building interior repairs (90-2-010)
- | | |
|--|--------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 2,621,000 |
| Prior Biennia (Expenditures) | \$ 6,178,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 8,799,000 |
- (3) Capitol Campus minor works: To complete minor works and other projects on the Capitol Campus, including boiler plant structural repairs (88-1-003), sidewalk and street repairs (90-2-005), building exterior repairs (90-2-006), and Capitol Lake shoreline repairs (90-3-013)
- | | |
|--|--------------|
| Reappropriation: | |
| Cap Bldg Constr Acct | \$ 1,278,000 |
| Prior Biennia (Expenditures) | \$ 1,587,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 2,865,000 |
- (4) Burien criminal justice training center: To complete renovations to the Burien criminal justice training center (90-3-025)
- | | |
|--|--------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 5,000,000 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 5,000,000 |
- (5) Natural Resources Building: To complete construction of the Natural Resources Building (90-5-003)
- | | |
|--|---------------|
| Reappropriation: | |
| East Cap Constr Acct | \$ 45,400,000 |
| Prior Biennia (Expenditures) | \$ 27,600,000 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 73,000,000 |
- (6) Remodel of the John A. Cherberg Building (88-2-040)
- The reappropriation in this subsection is subject to the following conditions and limitations: The project shall include review and development of program requirements for current and future facilities needs, including furnishings and equipment, for the Washington State Senate whose offices are currently located in the Institutions, Legislative, and John A. Cherberg Buildings. The project shall also include review and redesign, as necessary, of the proposed John A. Cherberg Building remodel, including construction and the acquisition of all furnishings and equipment required.

Reappropriation:	
St Bldg Constr Acct	\$ 3,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 3,000,000

- (7) Northern State Multi-Service Center: To complete the design for and to construct a sixteen-bed evaluation and treatment facility at the Northern State Multi-Service Center to provide care for the mentally ill consistent with chapter 71.24 RCW (90-5-027)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys from this reappropriation may be expended for construction until the department secures a lease with a county or a group of counties for use of the facility. The lease shall provide for payment to the department for all operations and management costs associated with the facility and a space rental charge. In establishing the space rental charge, the department shall consider fair market rent or lease rates charged for comparable facilities used by regional support networks.

(b) No moneys from this reappropriation may be expended for furnishings or equipment with a useful life expectancy of less than twenty years.

Reappropriation:	
St Bldg Constr Acct	\$ 1,700,000
Prior Biennia (Expenditures)	\$ 50,000
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 1,750,000

- (8) Olympia Archives Storage Building: To complete design and construction of the archives storage building at Olympia Airdustrial Park (90-4-024)

Reappropriation:	
St Bldg Constr Acct	\$ 1,800,000
Appropriation:	
St Bldg Constr Acct	\$ 671,000
Prior Biennia (Expenditures)	\$ 215,000
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 2,686,000

- (9) Small and emergency repairs: For unexpected small and emergency repairs on the Capitol Campus, and at other general administration facilities throughout the state (92-1-001) (92-2-002)

Appropriation:	
Cap Bldg Constr Acct	\$ 645,000
St Bldg Constr Acct	\$ 261,000

Subtotal Appropriation	\$ 906,000
Prior Biennia (Expenditures)	\$ 0

Future Biennia (Projected Costs) . . . \$	2,571,000

TOTAL \$	3,477,000

- (10) Underground storage tanks: To remove and replace underground storage tanks on the Capitol Campus and at the Northern State multi-service center (92-1-005)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:	
St Bldg Constr Acct \$	140,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	1,371,000

TOTAL \$	1,511,000

- (11) Highway-Licenses Building: To complete the design for and to renovate the Highway-Licenses Building on the Capitol Campus (88-5-011) (92-2-003)

The new appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be spent for construction until the department of general administration develops a space rental charge to be assessed to agencies occupying the building being renovated with this appropriation. The space rental charge shall be sufficient to fully reimburse the annual debt service costs of the new appropriation in this subsection, and shall be assessed until the department has developed and implemented space rental charges for facilities owned by the department on a state-wide basis.

(b) No moneys may be spent until preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

(c) \$133,000 is provided solely to plan for and manage the temporary relocation and housing of tenants of the building renovated with this appropriation.

Reappropriation:	
Cap Purch & Dev Acct \$	150,000
Appropriation:	
St Bldg Constr Acct \$	22,438,000
Prior Biennia (Expenditures) \$	350,000
Future Biennia (Projected Costs) . . . \$	0

TOTAL \$	22,938,000

- (12) General Administration Building: To preplan renovation of the General Administration Building (92-2-005)

Appropriation:	
Cap Bldg Constr Acct \$	1,200,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	22,101,000

TOTAL \$	23,301,000

- (13) Minor works preplanning: To develop preplans and studies of minor works projects on the Capitol Campus (92-2-026)

Appropriation:	
Cap Bldg Constr Acct	\$ 750,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0
<hr/>	
TOTAL	\$ 750,000

- (14) Capitol Lake: To develop a dredging plan and dredge Capitol Lake, to repair lake dam gates, and to repair shoreline areas damaged by erosion (92-2-015) (92-3-019)

\$200,000 of the appropriation in this subsection is provided solely to develop a management plan and to implement projects to reduce sedimentation and other pollution in the Deschutes river watershed. Eligible projects shall include, but are not limited to, stream corridor conservation, bank stabilization, agricultural soil conservation, silvicultural soil conservation, and sedimentation and pollution monitoring. When implementing this subsection, the department shall coordinate with the departments of natural resources, ecology, fisheries, wildlife, and transportation, and with affected local governments and Indian tribes.

Appropriation:	
St Bldg Constr Acct	\$ 3,125,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0
<hr/>	
TOTAL	\$ 3,125,000

- (15) Minor works: For minor works, repair, and improvement projects on the Capitol Campus and at other facilities owned by the department, including campus high voltage loop improvements, plaza garage elevator repairs, Capitol Campus control system improvements, Governor's Mansion structural repairs, utilities and grounds improvements, interior and exterior building repairs, and building mechanical and electrical system improvements (92-2-008) (92-2-009) (92-2-013) (92-2-014) (92-2-016) (92-2-017) (92-2-018) (92-2-020) (92-2-024)

Appropriation:	
Cap Bldg Constr Acct	\$ 7,889,000
St Bldg Constr Acct	\$ 2,595,000
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Subtotal Appropriation	\$ 10,484,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 13,188,000
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TOTAL	\$ 23,672,000

- (16) Northern State facility repairs: To repair the boiler and steam distribution system, trim trees, and repair roofing at the Northern State multi-service center (92-2-021)

Appropriation:	
CEP & RI Acct	\$ 280,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	1,278,000

TOTAL	\$	1,558,000

- (17) State facilities planning: To develop designs and plans to accommodate agency housing needs in Thurston county (92-5-100) (92-5-101) (92-5-108) (92-5-102)

Of the appropriation in this subsection:

(a) \$750,000 is provided solely to develop master plans for satellite campuses to be located in the cities of Lacey and Tumwater;

(b) \$300,000 is provided solely to develop a facility implementation strategy for Thurston county. The implementation strategy shall include, but not be limited to, identification of agency space requirements and opportunities for co-location with other agencies, and an organizational process for developing specific project proposals and establishing implementation timelines;

(c) \$250,000 is provided solely to develop a master plan for light industrial facility needs in Thurston county; and

(d) \$200,000 is provided solely for a geotechnical and hydrological survey of the Capitol Campus.

The master plans and implementation strategy developed under this subsection shall incorporate transportation management and housing density principles designed to reduce commuter congestion and reliance on single-occupancy automobiles.

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,000,000

- (18) Thurston county landbank: To purchase, option, or otherwise control real property adjacent to the department of ecology in the city of Lacey for future state facilities (92-5-000)

Appropriation:

St Bldg Constr Acct	\$	8,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	8,000,000

- (19) Heritage Park: To acquire property and begin planning for a park between the Capitol Campus and Budd Inlet (92-5-105)

The appropriation in this subsection may not be spent to acquire the property parcel located in Olympia south of Seventh Avenue and approximately two and seven-tenths acres in size if such property parcel is sold to a party other than the state after January 1, 1991, and the state's acquisition price is substantially greater than the acquisition price paid by the other party.

The department shall report to the fiscal committees of the house of representatives and the senate by December 15, 1991, on the status of property acquisitions and plans for the park. The report shall also describe the status of any

projects being developed by local governments or other state agencies that affect the design or development of the park.

Appropriation:	
St Bldg Constr Acct	\$ 6,700,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 13,800,000

TOTAL	\$ 20,500,000

- (20) Condition assessment: To develop a prototype condition assessment methodology, assess the condition of facilities owned by the department of general administration, and prepare a facility maintenance strategy that emphasizes preventative maintenance (92-2-007)

The appropriations in this subsection may not be spent until a detailed scope of work consistent with the recommendations of the capital forum has been reviewed and approved by the office of financial management.

Appropriation:	
Cap Bldg Constr Acct	\$ 591,000
St Bldg Constr Acct	\$ 500,000

Subtotal Appropriation	\$ 1,091,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 1,091,000

- (21) Ventilation system repair: John L. O'Brien Building
To replace existing heating, ventilation, and air conditioning system

Appropriation:	
St Bldg Constr Acct	\$ 650,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 650,000

NEW SECTION. Sec. 8. FOR THE MILITARY DEPARTMENT

- (1) Minor works: For minor works, repair, and improvement projects, including roof repair, exterior painting, facility upgrades, renovating heating, ventilation, and air conditioning systems, grounds and roads improvements, and support of federal construction projects (86-1-005) (86-1-006) (88-3-006) (88-3-007) (88-3-004) (86-2-004)

Reappropriation:	
St Bldg Constr Acct	\$ 438,000
Appropriation:	
St Bldg Constr Acct	\$ 2,291,000
General Fund--Federal	\$ 1,125,000

Subtotal Appropriation	\$ 3,416,000

	Prior Biennia (Expenditures) \$	6,355,000
	Future Biennia (Projected Costs) . . . \$	8,691,000

	TOTAL \$	18,900,000
(2)	Life and safety code compliance: To improve life and safety deficiencies and correct code violations at armories throughout the state (88-1-005)	
	Reappropriation:	
	St Bldg Constr Acct \$	303,000
	Appropriation:	
	St Bldg Constr Acct \$	485,000
	Prior Biennia (Expenditures) \$	497,000
	Future Biennia (Projected Costs) . . . \$	1,535,000

	TOTAL \$	2,820,000
(3)	Underground storage tanks: To remove underground storage tanks and remediate contaminated soils (88-1-008)	
	Appropriation:	
	St Bldg Constr Acct \$	270,000
	Prior Biennia (Expenditures) \$	550,000
	Future Biennia (Projected Costs) . . . \$	373,000

	TOTAL \$	1,193,000
(4)	Buckley Armory: To construct an armory in the city of Buckley (90-2-011)	
	Appropriation:	
	General Fund-Federal \$	1,728,000
	St Bldg Constr Acct \$	1,127,000

	Subtotal Appropriation \$	2,855,000
	Prior Biennia (Expenditures) \$	163,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	3,018,000
(5)	Grandview Armory: To construct an armory in the city of Grandview (88-2-013)	
	Appropriation:	
	General Fund-Federal \$	1,602,000
	St Bldg Constr Acct \$	1,102,000

	Subtotal Appropriation \$	2,704,000
	Prior Biennia (Expenditures) \$	155,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	2,859,000
(6)	Moses Lake: To construct an armory in the city of Moses Lake (90-2-013)	
	Appropriation:	

General Fund-Federal	\$	1,804,000
St Bldg Constr Acct	\$	1,206,000

Subtotal Appropriation	\$	3,010,000
Prior Biennia (Expenditures)	\$	170,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,180,000

NEW SECTION. Sec. 9. FOR THE LIQUOR CONTROL BOARD

(1) Preplanning liquor distribution center with materials handling system (92-1-001)

Appropriation:

Liquor Revolving Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	120,000

"PART 2
HUMAN RESOURCES"

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

For the purposes of this section, "capital cost" means land acquisition and project design and construction. All projects funded in this section, except those under subsection (5) of this section, shall comply with section 54 of this act.

(1) Development loan fund (88-2-002)

The appropriation in this subsection shall be used for loans in timber-dependent communities as defined in Engrossed Substitute House Bill No. 1341.

Appropriation:

WA St Dev Loan Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,000,000

- (2) Grays Harbor dredging (88-3-006)
- The appropriation in this subsection is subject to the following conditions and limitations:
- (a) The appropriation is provided solely for the state's share of costs for Grays Harbor dredging, dike construction, bridge relocation, and related expenses.
 - (b) Expenditure of moneys from this appropriation is contingent on the authorization of \$40,000,000 and an initial appropriation of at least \$13,000,000 from the United States army corps of engineers and the authorization of at least \$10,000,000 from the local government for the project. Up to \$3,500,000 of the local government contribution for the first year on the project may be composed of property, easements, rent adjustments, and other expenditures specifically for the purposes of this appropriation if approved by the army corps of engineers. State funds shall be disbursed at a rate not to exceed one dollar for every four dollars of

federal funds expended by the army corps of engineers and one dollar from other nonstate sources.

(c) Expenditure of moneys from this appropriation is contingent on a cost-sharing arrangement and the execution of a local cooperation agreement between the Port of Grays Harbor and the army corps of engineers pursuant to Public Law 99-662, the federal water resources development act of 1986, whereby the corps of engineers will construct the project as authorized by that federal act.

(d) The Port of Grays Harbor shall make the best possible effort to acquire additional project funding from nonstate public grants and/or other governmental sources other than those in (b) of this subsection. Any money, up to \$10,000,000 provided from such sources other than those in (b) of this subsection, shall be used to reimburse or replace state building construction account money. In the event the project cost is reduced, any resulting reduction or reimbursement of nonfederal costs realized by the Port of Grays Harbor shall be shared proportionally with the state.

Reappropriation:

St Bldg Constr Acct	\$	6,840,318
Prior Biennia (Expenditures)	\$	3,159,682
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	10,000,000

(3) Housing capital programs: To construct, acquire, and rehabilitate low-income housing (88-5-015)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$8,000,000 is provided solely for the affordable housing program. The department may not approve a request for assistance under this subsection for projects located in cities and counties that do not have an affordable housing needs assessment approved by the department. The department shall by rule establish the content of the affordable housing needs assessment and criteria for the approval of the affordable housing needs assessment.

(b) \$8,000,000 is provided solely for the low-income weatherization program under chapter 70.164 RCW.

(c) \$34,000,000 is provided solely for the housing assistance program. Effective July 1, 1992, the department may not approve loan or grant requests for projects under this subsection that are inconsistent with the city's or county's and state's comprehensive housing affordability strategy, as required under Title I, section 105, of the National Affordable Housing Act of 1990.

(d) The Washington housing trust fund appropriation is provided solely for the department to contract with the University of Washington college of architecture for: (i) A study of regulatory impediments to affordable housing; (ii) a study on various innovative design techniques that can be used to increase housing density; (iii) a recommendation to the legislature for a new building code and associated regulations that will substantially reduce the cost of housing. No indirect costs of the contracting agent may be paid from this appropriation.

Reappropriation:

St Bldg Constr Acct	\$	10,000,000
Appropriation:		
St Bldg Constr Acct	\$	50,000,000
Washington Housing Trust Fund	\$	150,000

Subtotal Appropriation \$	50,149,500
Prior Biennia (Expenditures) \$	8,000,000
Future Biennia (Projected Costs) . . . \$	100,000,000

TOTAL \$	168,149,500

(4) Columbia county courthouse (89-4-004)

The appropriations in this subsection are provided solely to repair and restore the Columbia county courthouse and shall be matched by at least \$100,000 in private donations and local funds from Columbia county.

Reappropriation:	
St Bldg Constr Acct \$	600,000
Appropriation:	
St Bldg Constr Acct \$	60,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	0

TOTAL \$	660,000

(5) Public works trust fund (90-2-001)

\$7,000,000 of the appropriation in this subsection is provided solely for the purposes of chapter 314, Laws of 1991, (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

Reappropriation:	
Public Works Assist \$	85,734,000
Appropriation:	
Public Works Assist \$	88,491,000
Prior Biennia (Expenditures) \$	54,534,447
Future Biennia (Projected Costs) . . . \$	231,877,000

TOTAL \$	460,636,447

(6) Seventh Street Hoquiam Theatre (90-2-008)

Reappropriation:	
St Bldg Constr Acct \$	250,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	0

TOTAL \$	250,000

(7) Tall ships tourist attraction: To design and construct a tall ship tourist attraction

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely to contract with the Grays Harbor Historical Seaport Authority to design and construct a tall ship tourist attraction.

(b) The reappropriation shall be matched by at least \$513,105 from nonstate sources provided solely for capital costs of the project. The match may include cash and in-kind contributions, but may not include cash or in-kind contributions used to match other state moneys provided to the Grays Harbor Historical Seaport Authority.

(c) The department shall ensure that the state's interest is protected by requiring that if the tall ship tourist attraction is sold or its use is changed, the Grays Harbor Historical Seaport Authority shall return to the state of Washington an amount equal to the state's total contribution to the project.

Reappropriation:

St Bldg Constr Acct	\$	513,105
Prior Biennia (Expenditures)	\$	486,895
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	1,000,000

- (8) Port of Klickitat dredge spoils: For site preparation and transport and deposit of Columbia river dredge spoils (90-2-013)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The port of Klickitat shall sign an agreement to repay the reappropriation plus simple interest at three percent in eight annual installments beginning July 1, 1993; and

(b) Expenditure of money from this reappropriation is contingent on at least \$300,000 from port district funds being provided for the project.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	250,000

- (9) Historic community theaters (90-5-014)

The reappropriation in this subsection is provided solely for grants to local governments to preserve historic historic community theatres. No portion of the reappropriation in this subsection may be spent unless an equal amount from nonstate sources is provided for the same purposes. No more than \$50,000 of the reappropriation shall be expended for renovation of the Admiral Theatre in west Seattle.

Reappropriation:

St Bldg Constr Acct	\$	250,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	500,000

- (10) Emergency management building minor works (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	180,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	180,000

- (11) Columbia river dredging: For completing a study on the feasibility of deepening the navigation channel from Astoria to Vancouver (92-5-006)

Expenditure of this appropriation is contingent on \$1,200,000 from the federal government and \$600,000 from the state of Oregon being appropriated for the same purpose.

Appropriation:		
St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	600,000

- (12) Building for the arts: For grants to local performing arts and art museum organizations for facility improvements or additions (92-5-100)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Grants are limited to the following projects:

	Estimated Total Capital Cost	State Grant	State Portion
Seattle Children's Theatre	\$ 8,000,000	\$ 1,200,000	15%
Admiral Theatre (Bremerton)	\$ 4,261,000	\$ 639,000	15%
Spokane Symphony	\$ 1,500,000	\$ 225,000	15%
Pacific Northwest Ballet	\$ 7,500,000	\$ 1,125,000	15%
Seattle Symphony	\$ 54,000,000	\$ 8,100,000	15%
Seattle Repertory Theatre	\$ 4,000,000	\$ 600,000	15%
Intiman Theatre	\$ 800,000	\$ 120,000	15%
Broadway Theatre District (Tacoma)	\$ 8,400,000	\$ 1,260,000	15%
Allied Arts of Yakima	\$ 500,000	\$ 75,000	15%
Spokane Art School	\$ 454,000	\$ 68,000	15%
Seattle Art Museum	<u>\$ 4,862,500</u>	<u>\$ 729,000</u>	15%
Total	\$ 94,277,500	\$ 14,141,000	

(b) The state grant may provide no more than fifteen percent of the estimated total capital cost or actual total capital cost of the project, whichever is less. The remaining portions of project capital costs shall be a match from nonstate sources. The match may include cash and land value.

(c) State funding shall be distributed to projects in the order in which matching requirements have been met.

Appropriation:		
St Bldg Constr Acct	\$	10,738,900

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	3,402,100

TOTAL	\$	14,141,000

- (13) Columbia Gorge interpretive center: For construction of a facility in Stevenson with exhibits, classrooms, and a research library (92-5-101)

The appropriation in this subsection shall be matched by at least \$5,000,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct	\$	5,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,000,000

- (14) Seattle Center redevelopment: For upgrading the Coliseum, the International Fountain mall, Memorial Stadium, the Center House, the Pacific Arts Center, the Opera House, and central plant; converting the northwest rooms to a conference and exhibit facility; adding parking; renovating and developing open space areas; making improvements to mechanical, electrical, and other high-priority building systems; and making general improvements to the site, including signs, fountains, portable stages, and fencing

The appropriation in this subsection shall be matched by moneys from nonstate sources sufficient to pay at least seventy-five percent of the total capital costs of these projects.

Appropriation:

St Bldg Constr Acct	\$	8,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	8,500,000

- (15) Spokane Food Bank: For construction of a freezer/cooler

Appropriation:

St Bldg Constr Acct	\$	125,000
Prior Biennia (Expenditures)	\$	150,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	275,000

- (16) Carolyn Downs Family Medical Center: To construct a new medical facility on the Odessa Brown Children's Clinic campus

The appropriation in this subsection shall be matched by at least \$2,050,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct	\$	500,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	500,000

- (17) Nordic Heritage Museum: For building acquisition and improvements (90-2-007)
 The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:		
St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000

- (18) Thorp Grist Mill: Restoration (90-5-010)
 The reappropriation in this section is contingent on the expenditure for the same purpose of at least two dollars from nonstate sources for each dollar spent from this reappropriation.

Reappropriation:		
St Bldg Constr Acct	\$	10,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	30,000

- (19) Bremerton naval heritage redevelopment project
 The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for capital improvements to the naval destroyer U.S.S. Turner Joy, in conjunction with the Bremerton naval heritage redevelopment project.

(b) No portion of this reappropriation may be expended unless an equal amount from nonstate and nonfederal sources is expended for the same purpose.

(c) Prior to the expenditure of this reappropriation, the recipient of the grant shall prepare and submit to the director of community development, for the director's approval, a financial plan that identifies the revenue sources for the completion of the project and for the long-term operation of the project.

Reappropriation:		
St Bldg Constr Acct	\$	190,000
Prior Biennia (Expenditures)	\$	66,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	256,000

- (20) Marine science center construction
 The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for a grant to the city of Poulsbo for construction of a marine science center to be operated by educational service district no. 114.

(b) Expenditure of this reappropriation is contingent on site acquisition and at least \$300,000 of construction costs contributed from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	498,000
Prior Biennia (Expenditures)	\$	2,500
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 500,000

(21) A Contemporary Theater (90-1-006)

The reappropriation in this section is subject to the following conditions and limitations:

(a) This reappropriation is provided solely for the construction of a new theater in Seattle.

(b) No portion of this reappropriation may be expended unless at least \$9,000,000 from nonstate sources, including the value of land, is provided for the same purpose.

Reappropriation:

St Bldg Constr Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 1,000,000

(22) Liberty Theater: To restore and rehabilitate Liberty Theater in Walla Walla

The reappropriation in this section is subject to the following conditions and limitations:

(a) Expenditure of moneys from this reappropriation is contingent on the expenditure for the same purpose of at least one dollar from nonstate sources, including in-kind contributions, for each four dollars spent from this reappropriation.

(b) The reappropriation is provided solely for a grant to a nonprofit corporation for rehabilitation and restoration of the historic Liberty Theater building in Walla Walla.

(c) The owner of the building shall grant to the state an historic preservation easement prior to the expenditure of any funds from this reappropriation.

(d) The nonprofit corporation shall submit to the director of community development, for the director's approval, a financial plan for the long-term operation of the building.

Reappropriation:

St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL		\$ 200,000

(23) Yakima county: For construction and expansion of jail facilities in Yakima county

The reappropriation in this subsection may not exceed eighty percent of the total capital cost of the project. The remaining portion of project capital costs shall be a match from nonstate sources.

Reappropriation:	
St Bldg Constr Acct	\$ 2,400,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,400,000

- (24) Resource Center for the Handicapped: To acquire the building in which the center currently operates

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation may be used only to purchase the facility declared surplus by the Shoreline school district in which the center operates a program as of the effective date of this section; and

(b) No expenditure shall be made until an equal amount of private, nongovernmental moneys dedicated to the purchase of the facility have been raised.

Appropriation:	
St Bldg Constr Acct	\$ 1,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,500,000

- (25) Columbia river waterfront: Planning and coordinating existing and future land use, park, transportation, historical, and utility improvements along the shoreline of the Columbia river between the flushing channel and the Interstate 205 bridge

The appropriation in this subsection shall be matched by at least \$100,000 from nonstate sources provided for the same purpose.

Appropriation:	
St Bldg Constr Acct	\$ 100,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 100,000

- (26) Asian Resource Center: To construct an Asian Resource Center in Seattle
This appropriation shall be matched by at least \$600,000 in cash provided from nonstate sources.

Appropriation:	
St Bldg Constr Acct	\$ 150,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 150,000

- (27) Pike Place Market: For a grant to the city of Seattle (the "city") for the Pike Place Market preservation and development authority (the "authority") to acquire the interests of what is known as the urban group partnerships (the "partnerships") in eleven properties located in the Pike Place Market historical district (the "district")

(a) No portion of the appropriation in this subsection may be expended until the city certifies to the department that:

(i) The settlement proposal agreement dated June 6, 1991, concerning the properties in the district is confirmed, including but not limited to provisions that:

(A) The partnerships will receive not more than a total of \$2,250,000 under the agreement;

(B) All rights, clear title, and interest in the market property will be relinquished by the partnerships and conveyed to the authority; and

(C) All pending litigation and related disputes will be dismissed with prejudice or otherwise finally resolved;

(ii) The city has amended the authority's charter to preclude any future sales of interests in authority properties in the district that could result in loss of authority management responsibilities;

(iii) The authority has executed and recorded a conservation easement, which has been approved by the department, providing protection for the character-defining features of the district. The term of the easement shall extend until the year 2012 or until the bonds sold to provide for this appropriation are retired, whichever is later. The easement shall inure to the benefit of the state.

(b) The appropriation in this subsection shall be matched by at least \$750,000 provided from nonstate sources for the same purpose as this appropriation.

Appropriation:

St Bldg Constr Acct	\$	1,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,500,000

- (28) Keyport Naval Undersea Museum: To complete an auditorium in the museum

Appropriation:

St Bldg Constr Acct	\$	300,000
Prior Biennia (Expenditures)	\$	500,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	800,000

- (29) Marcus Whitman Statue: To provide a duplicate casting of the official statue of Marcus Whitman and to erect this statue in Walla Walla county

Appropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000

- (30) Mystic Lake flood assistance: To complete a plan for mitigation of development-induced flooding of the lake

Appropriation:	
St Bldg Constr Acct	\$ 53,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 53,000

- (31) Maritime Museum: For exhibit, architecture, and facility planning for a maritime museum on the Seattle waterfront

Appropriation:	
St Bldg Constr Acct	\$ 200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 200,000

- (32) Tacoma educational enrichment center

The appropriation in this subsection shall be matched by a contribution of at least \$2,200,000 provided from the Tacoma school district or other local government entity for capital costs of this project. The appropriation in this subsection is provided to the Tacoma school district for a facility to be operated under contract by the metropolitan park district of Tacoma. No funds may be expended until a facility plan has been jointly approved by the Tacoma school district and the metropolitan park district.

Appropriation:	
St Bldg Constr Acct	\$ 2,200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 2,200,000

- (33) Meeker Mansion: For acquisition of property adjacent to the Ezra Meeker mansion in Puyallup

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The appropriation shall be matched by at least \$200,000 provided from the Ezra Meeker Historical Society for land acquisition and development.

(b) None of the appropriation may be spent until the Ezra Meeker Historical Society demonstrates to the satisfaction of the department that it will be able to raise \$200,000 through pledges and contributions.

(c) The department shall consult with the Washington State Historical Society before expending any portion of this appropriation.

Appropriation:	
St Bldg Constr Acct	\$ 200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$	200,000
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- (34) Almira and Coulee-Hartline school districts: To make improvements to the Coulee-Hartline facility needed for a cooperative high school program with the Almira school district

The appropriation in this subsection is subject to the following conditions and limitations:

(a) No moneys may be expended until the boards of directors of the two school districts have provided to the department written confirmation that the moneys will be used solely to upgrade the Hartline facility for the purpose of implementing a cooperative high school district under chapter 28A.340 RCW;

(b) The appropriation shall be matched by at least \$100,000 provided by the Almira and Coulee-Hartline school districts for capital costs of the project.

Appropriation:

St Bldg Constr Acct	\$	240,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) ...	\$	0

TOTAL	\$	240,000

- (35) Yakima criminal justice facility: For a grant to the city of Yakima for the construction of a new criminal justice facility

The appropriation in this subsection is subject to the following conditions and limitations:

(a) Before receiving the grant, the city shall demonstrate to the satisfaction of the department an ability to complete the construction of the facility and fund its operation.

(b) The grant may not exceed sixty-six percent of the total project capital costs as determined by the department. The remaining portion of project capital costs shall be a match provided from nonstate sources.

Appropriation:

St Bldg Constr Acct	\$	3,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) ...	\$	0

TOTAL	\$	3,000,000

- (36) Bonney Lake Park: For a grant to the city of Bonney Lake for the acquisition and development of such facilities as it deems necessary for a park at Bonney Lake

The appropriation in this subsection shall be matched by at least \$35,000 from nonstate sources provided for the same purpose.

Appropriation:

St Bldg Constr Acct	\$	35,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) ...	\$	0

TOTAL	\$	35,000

- (37) Snohomish county drainage district number 6: To purchase drainage district number 6 and construct a cross-levee on it, in order to decrease damaging flooding of adjacent lands and to reestablish wetlands

The appropriation in this subsection shall be matched by at least \$585,000 provided from nonstate sources for capital costs of this project.

Appropriation:

St Bldg Constr Acct	\$	350,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	350,000

- (38) Tears of Joy Theatre: For construction of an international puppetry center in Vancouver

The appropriation in this subsection shall be matched by at least \$1,950,000 from nonstate sources provided for capital costs of the project. The match may include cash, land value, and other in-kind contributions.

Appropriation:

St Bldg Constr Acct	\$	1,950,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,950,000

- (39) Flood control structures: Repair of damage from November 1990 floods

The appropriation in this subsection is provided solely for the local share of matching funds required for federal assistance to repair flood control structures damaged in the November 1990 floods. Local government jurisdictions in the following counties may receive up to 36.5% of the required local match, or the amount listed below, whichever is less:

Chelan county	\$48,707
Clallam county	7,954
Grays Harbor county	2,755
Island county	656
Jefferson county	4,647
King county	209,337
Kitsap county	9,737
Kittitas county	30,914
Lewis county	14,802
Mason county	1,732
Pacific county	3,528
Pierce county	65,671
San Juan county	492
Skagit county	416,903
Snohomish county	188,005
Whatcom county	229,160
TOTAL	1,235,000

Appropriation:	
St Bldg Constr Acct	\$ 1,235,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,235,000

Sec. 11. 1989 1st ex.s. c 12 s 208 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Spokane public facilities (89-5-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the purposes of RCW 36.100.030 and 36.100.060.

(2) ~~((If the appropriation in this section is not expended by December 31, 1991, the appropriation in this section shall lapse))~~ Any moneys from this appropriation that are not expended by the Spokane public facilities district by June 30, 1993, shall be returned to the department of community development and shall lapse.

(3) This appropriation shall lapse if an appropriation is enacted for the same purpose in Substitute Senate Bill No. 6074 prior to June 30, 1989.

	Reappropriation	Appropriation
St Bldg Constr Acct	500,000	
	<u>Prior Biennia</u>	<u>Future Biennia</u>
		<u>Total</u>
		500,000

NEW SECTION. Sec. 12. **FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

(1) Design and construct new agency headquarters in Olympia and Tumwater (90-4-004)

Reappropriation:	
L & I Constr Acct	\$ 44,700,000
Prior Biennia (Expenditures)	\$ 18,300,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 63,000,000

NEW SECTION. Sec. 13. **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

(1) Rainier: Renovate Evergreen Center (79-1-017)

Reappropriation:	
St Bldg Constr Acct	\$ 200,000
DSHS Constr Acct	\$ 119,477

Subtotal Reappropriation	\$ 319,477
Prior Biennia (Expenditures)	\$ 4,230,523
Future Biennia (Projected Costs)	\$ 0

	TOTAL	\$	4,550,000
(2)	Referendum 37: For handicapped facilities construction pursuant to chapter 43.99C RCW (79-3-001)		
	\$9,529 of the appropriation may be used by Yakima county for improvements at the Community Center for the Deaf to permit increased service level to handicapped clients. This amount may be expended only if the final application for the project is submitted to the department by December 31, 1991, and approved by March 31, 1992.		
	Reappropriation:		
	Hndcp Fac Constr Acct	\$	253,531
	Prior Biennia (Expenditures)	\$	33,371
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	286,902
(3)	Child study center: Construct high school on the grounds of Western State Hospital (88-1-318)		
	Reappropriation:		
	St Bldg Constr Acct	\$	130,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	130,000
(4)	Western State Hospital: Sanitary sewer (88-2-400)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	2,109,238
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	2,309,238
(5)	Echo Glen: Renovate eleven living units at Echo Glen Children's Center (90-1-210)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,600,000
	Prior Biennia (Expenditures)	\$	364,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	2,964,000
(6)	Emergency capital repairs (90-1-007)		
	Reappropriation:		
	CEP & RI Acct	\$	25,000
	Prior Biennia (Expenditures)	\$	444,578
	Future Biennia (Projected Costs) ...	\$	0

	TOTAL	\$	469,578
(7)	Western State Hospital: Ward renovations, phase 4 (90-1-312)		
	Reappropriation:		
	St Bldg Constr Acct	\$	6,000,000
	Prior Biennia (Expenditures)	\$	192,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	6,192,000
(8)	Eastern State Hospital: Ward renovations, phase 2 (90-1-339)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,000,000
	Prior Biennia (Expenditures)	\$	2,510,400
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	4,510,400
(9)	Minor capital renewal: Utilities and facilities (90-2-001), roads and grounds (90-2-002), roofs (90-2-003), fire and safety (90-1-004), and hazardous substances (90-1-005)		
	Reappropriation:		
	CEP & RI Acct	\$	850,000
	St Bldg Constr Acct	\$	450,000
	Subtotal Reappropriation ...	\$	1,300,000
	Prior Biennia (Expenditures)	\$	2,633,393
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	4,733,725
(10)	Small repairs and improvements (90-2-008)		
	Reappropriation:		
	CEP & RI Acct	\$	50,000
	Prior Biennia (Expenditures)	\$	140,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	190,000
(11)	Minor projects: Bureau of alcohol (90-2-010)		
	Reappropriation:		
	CEP & RI Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	92,400
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	442,400
(12)	Minor projects: Juvenile rehabilitation division (90-2-020)		

Reappropriation:	
CEP & RI Acct	\$ 200,000
St Bldg Constr Acct	\$ 25,000

Subtotal Reappropriation . . .	\$ 225,000
Prior Biennia (Expenditures)	\$ 285,781
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 510,781

(13) Minor projects: Mental health division (90-2-030) and (90-2-032)

Reappropriation:	
St Bldg Constr Acct	\$ 200,000
CEP & RI Acct	\$ 65,000

Subtotal Appropriation	\$ 265,000
Prior Biennia (Expenditures)	\$ 460,000
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 725,000

(14) Snohomish county: Mental health evaluation and treatment facility (90-2-033)

The reappropriation in this subsection is subject to the following conditions and limitations:

(a) The reappropriation is provided solely for a mental health evaluation and treatment facility in Snohomish county.

(b) No moneys from the reappropriation may be expended until the department enters into an agreement with Snohomish county or a group of counties for the facility. The payments under the agreement shall be either at least equal to the facility component of the state average rate-per-patient day paid by the department to community mental health providers for comparable services, or at least equal to the amount of this reappropriation amortized over fifteen years.

(c) No moneys from the reappropriation may be expended before adoption of a plan to provide mental health services through a regional support network as required by chapter 205, Laws of 1989.

(d) Other counties or regions that adopt plans for mental health services as required by chapter 205, Laws of 1989, shall be eligible for application to the state for future evaluation and treatment facility moneys under the same conditions as are provided in subsections (a) and (b) of this subsection, as long as no applicant receives appropriated moneys from state sources exceeding one million dollars.

Reappropriation:	
St Bldg Constr Acct	\$ 800,000
Prior Biennia (Expenditures)	\$ 200,000
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 1,000,000

(15) Minor projects: Developmental disabilities division (90-2-040)

Reappropriation:

	St Bldg Constr Acct \$	250,000
	Prior Biennia (Expenditures) \$	484,222
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	734,222
(16)	Minor capital renewal, mental health (90-2-060)	
	Reappropriation:	
	St Bldg Constr Acct \$	500,000
	Prior Biennia (Expenditures) \$	500,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	1,000,000
(17)	Child care facilities (90-2-300)	
	Reappropriation:	
	St Bldg Constr Acct \$	350,000
	Prior Biennia (Expenditures) \$	250,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	600,000
(18)	Eastern State: Electrical distribution system (90-2-345)	
	Reappropriation:	
	St Bldg Constr Acct \$	600,000
	Prior Biennia (Expenditures) \$	771,600
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	1,371,600
(19)	Lakeland Village: Steam plant replacement (90-2-425)	
	Reappropriation:	
	St Bldg Constr Acct \$	3,000,000
	Prior Biennia (Expenditures) \$	1,063,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	4,063,000
(20)	Preplanning (90-4-009)	

The new appropriation in this subsection is provided solely for preplanning activities for the Administration Building at Lakeland Village, the security housing and treatment unit at Green Hill, and the vocational educational and administration buildings at Maple Lane.

	Reappropriation:	
	CEP & RI Acct \$	50,000
	Appropriation:	
	CEP & RI Acct \$	273,300

	Prior Biennia (Expenditures)	\$	141,400
	Future Biennia (Projected Costs) . . .	\$	0
			<hr/>
	TOTAL	\$	464,700
(21)	Maple Lane: To add twenty-four new level 2 security beds (90-5-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	156,000
	Future Biennia (Projected Costs) . . .	\$	0
			<hr/>
	TOTAL	\$	1,256,000
(22)	Echo Glen: Perimeter fence (90-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	850,000
	Prior Biennia (Expenditures)	\$	106,000
	Future Biennia (Projected Costs) . . .	\$	0
			<hr/>
	TOTAL	\$	956,000
(23)	Fircrest: Food bank facility (90-5-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	88,000
	Future Biennia (Projected Costs) . . .	\$	0
			<hr/>
	TOTAL	\$	788,000
(24)	Minor capital renewal fire safety (92-1-004), utilities and facilities (92-2-001), roads and grounds (92-2-002), and roofs (92-2-003)		
	Appropriation:		
	CEP & RI Acct	\$	3,284,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	7,136,000
			<hr/>
	TOTAL	\$	10,420,000
(25)	Environmental: For minor works projects, including asbestos abatement, PCBs and other hazardous substances, and for planning functions pertaining to environmental/capital proposals (92-1-005)		
	Appropriation:		
	CEP & RI Acct	\$	359,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	664,000
			<hr/>
	TOTAL	\$	1,023,000

- (26) Emergency and unanticipated projects: For emergency and unanticipated repairs to equipment, facilities, and infrastructures at state institutions (92-1-007)

Appropriation:	
CEP & RI Acct	\$ 250,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 538,100
TOTAL	\$ 788,100

- (27) Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-060)

Appropriation:	
CEP & RI Acct	\$ 145,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 618,000
TOTAL	\$ 673,000

- (28) Western State Hospital: To complete phase 5 of 7 phases, including ward renovations, hospital administration and support spaces, and patient treatment areas (92-1-314)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 13,669,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 13,669,000

- (29) Eastern State Hospital: To complete phase 3 of 5 phases, including ward treatment areas, hospital support space, and necessary utilities (92-1-340)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 7,578,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 7,578,000

- (30) Small works: For miscellaneous projects under \$25,000 each at the various institutions (92-2-008)

Appropriation:	
CEP & RI Acct	\$ 192,000
Prior Biennia (Expenditures)	\$ 0

	Future Biennia (Projected Costs) . . . \$	430,500
	TOTAL \$	<u>622,500</u>
(31)	Minor projects, alcohol and substance abuse division: For miscellaneous minor repairs, safety, and electrical repairs at Northern State Hospital (92-2-010)	
	Appropriation:	
	CEP & RI Acct \$	300,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	<u>300,000</u>
(32)	Minor projects, juvenile rehabilitation division: For the upgrade of the water supply, sewer treatment, and security (92-2-020)	
	Appropriation:	
	CEP & RI Acct \$	957,500
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	1,849,731
	TOTAL \$	<u>2,807,231</u>
(33)	Minor projects, mental health division: For minor projects including storm sewer, electrical system, air conditioning, food distribution system, loading dock cover, and new parking lots at Western State Hospital; administration renovation, window security screens, outdoor recreation restrooms at Eastern State Hospital; cemetery fence and kitchen improvements at the Portal facility (92-2-030)	
	Appropriation:	
	CEP & RI Acct \$	1,317,200
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	2,656,600
	TOTAL \$	<u>3,973,800</u>
(34)	Minor projects, developmental disabilities division: For minor projects, including the "Y" Building renovation at Fircrest; replacement of living unit floors at Lakeland Village, a state-wide facilities and land use plan; renovation of bathroom and kitchen floors at Rainier School; and added support space and playground expansion at Yakima Valley School (92-2-040)	
	Appropriation:	
	CEP & RI Acct \$	912,400
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	1,472,000
	TOTAL \$	<u>2,384,400</u>
(35)	Maple Lane: To add sixty-four new level 1 security beds (92-2-225)	

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	6,715,800
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	6,715,800

(36) Maple Lane: To add forty-seven new level 2 security beds (92-2-230)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	3,107,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,107,000

(37) Child study: For construction of a new education center (high school) at the child study and treatment center (92-2-319)

Appropriation:

St Bldg Constr Acct	\$	2,642,300
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,642,300

(38) Maintenance management: For completion of the maintenance management system at Medical Lake and Olympia (92-3-050)

Appropriation:

CEP & RI Acct	\$	292,800
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	473,500
TOTAL	\$	766,300

(39) Resource conservation: For energy and water conservation projects (92-4-006)

Appropriation:

CEP & RI Acct	\$	561,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	442,600
TOTAL	\$	1,003,700

(40)	Child care facilities for state employees, including higher education employees (92-4-050)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,500,000
(41)	Washington Institute for Mental Illness Research at Western State Hospital		
	Appropriation:		
	CEP & RI Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	700,000
	NEW SECTION, Sec. 14. FOR THE DEPARTMENT OF HEALTH		
(1)	Referendum 38: Water bonds (86-2-099)		
	Reappropriation:		
	Improv-Water Supply	\$	6,100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,100,000
(2)	Implementation of 1980 master plan: For the design and construction of phase 1 of the public health laboratory expansion (92-2-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	18,500,000
	TOTAL	\$	19,700,000
(3)	Consolidated request: Emergency repairs (92-2-002)		
	Appropriation:		
	CEP & RI Acct	\$	49,560
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	49,560
(4)	Vaccine storage: For installation of a walk-in refrigeration and cold-storage unit (92-2-003)		
	Appropriation:		
	CEP & RI Acct	\$	89,922
	Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	89,922
(5)	Consolidated request: Small repairs and improvements (92-2-004)	
	Appropriation:	
	CEP & RI Acct \$	49,560
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	49,560
(6)	Lab improvement: Pesticide and newborn screening (92-2-005)	
	Appropriation:	
	CEP & RI Acct \$	297,124
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	297,124
(7)	Fume hood addition or replacement: For addition or replacement of the fume hood in the radiation chemistry lab (92-2-007)	
	Appropriation:	
	CEP & RI Acct \$	176,208
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	176,208
(8)	Autoclave and sterilizing oven replacement: For replacement of aging equipment at the public health laboratory (92-2-008)	
	Appropriation:	
	CEP & RI Acct \$	92,509
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	92,509
(9)	Energy management system, phase 3 (92-4-006)	
	Appropriation:	
	CEP & RI Acct \$	99,117
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	99,117

- (1) Minor works--Building improvements, phase 2: To complete minor works and other projects, including food service renovation (phase 2) and window replacement at the soldiers' home (90-2-008)
- | | |
|--|------------|
| Reappropriation: | |
| CEP & RI Acct | \$ 105,000 |
| Appropriation: | |
| CEP & RI Acct | \$ 435,570 |
| Prior Biennia (Expenditures) | \$ 289,440 |
| Future Biennia (Projected Costs) . . . | \$ 0 |
| <hr/> | |
| TOTAL | \$ 830,010 |
- (2) Minor works--Roads, walkways, and grounds: To complete minor works and other projects, including widening roadway at the veterans' home, improving and repairing roads, parking lots, and walkways at the veterans' home, and soldiers' home, and installing outdoor lighting at the soldiers' home (90-1-005)
- | | |
|--|------------|
| Reappropriation: | |
| CEP & RI Acct | \$ 50,000 |
| Appropriation: | |
| CEP & RI Acct | \$ 304,129 |
| Prior Biennia (Expenditures) | \$ 100,000 |
| Future Biennia (Projected Costs) . . . | \$ 0 |
| <hr/> | |
| TOTAL | \$ 454,129 |
- (3) Building 9: To complete air quality improvements (phase 2), including window replacement in building 9 at the soldiers' home (90-1-009)
- | | |
|--|------------|
| Reappropriation: | |
| CEP & RI Acct | \$ 281,000 |
| Appropriation: | |
| CEP & RI Acct | \$ 277,951 |
| Prior Biennia (Expenditures) | \$ 313,000 |
| Future Biennia (Projected Costs) . . . | \$ 0 |
| <hr/> | |
| TOTAL | \$ 871,951 |
- (4) Design and renovate Garfield barracks (90-5-012)

The appropriation in this subsection is contingent on the office of financial management reporting to the legislature on the costs of constructing, maintaining, and operating the facility funded by the appropriation, compared to the cost of reimbursing Medicaid-certified nursing homes for the same services. In addition, the appropriation in this subsection may not be expended until the department has sought Medicaid certification for its existing facilities and has reported the results of these efforts to the legislature. Further, the appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:	
CEP & RI Acct-Federal	\$ 2,878,000
CEP & RI Acct	\$ 1,550,000

	Subtotal Appropriation \$	4,428,000
	Prior Biennia (Expenditures) \$	35,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	4,463,000
(5)	Minor works: To upgrade underground storage tanks to meet federal requirements (92-1-001)	
	Appropriation:	
	CEP & RI Acct \$	60,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	353,784
	TOTAL \$	413,784
(6)	Minor project: For asbestos removal projects (phase 2) at the veterans' and soldiers' homes (92-1-003)	
	Reappropriation:	
	CEP & RI Acct \$	90,000
	Prior Biennia (Expenditures) \$	235,000
	Future Biennia (Projected Costs) . . . \$	600,000
	TOTAL \$	925,000
(7)	Contingency for emergency repairs (92-2-002)	
	Appropriation:	
	CEP & RI Acct \$	150,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	150,000
(8)	Minor works--Mechanical: For minor projects, including air handling, steam radiator replacement, and heat exchanger replacement at the veterans' and soldiers' homes (92-2-006)	
	Appropriation:	
	CEP & RI Acct \$	307,282
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	307,282
(9)	Minor works--Building repairs: For minor projects, including replacing the nurses' call system, replacing automatic doors, and replacing floor tiles at the veterans' and soldiers' homes (92-2-007)	
	Appropriation:	
	CEP & RI Acct \$	121,111

	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	121,111
(10)	Minor works--Building improvements, phase 2: Minor projects (phase 2), including expansion of the maintenance building, renovation of the commissary, and improvement of the laundry cart storage area (92-2-008)	
	Appropriation:	
	CEP & RI Acct \$	299,592
	Prior Biennia (Expenditures) \$	88,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	387,592
(11)	Minor works: For building feasibility studies, including the food service area at the soldiers' home, and the Chilson Hall/Roosevelt Barracks connection (92-2-011)	
	Appropriation:	
	CEP & RI Acct \$	13,414
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	145,605
	TOTAL \$	159,019
(12)	Steam distribution study (92-2-024)	
	Reappropriation:	
	CEP & RI Acct \$	22,200
	Appropriation:	
	CEP & RI Acct \$	3,409
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	1,117,406
	TOTAL \$	1,143,015
(13)	Minor works--Building exteriors: For minor works, including roof repair/replacement and stucco repair (92-3-004)	
	Appropriation:	
	CEP & RI Acct \$	134,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	134,000
(14)	Minor works: Covered walkway (92-5-008)	
	Appropriation:	
	CEP & RI Acct \$	38,038
	Prior Biennia (Expenditures) \$	0

Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	38,038

- (15) Preplanning for an Eastern Washington Veteran's Health Service Center including site analysis for potential sites, basic facility design, cost estimates, analysis of client workload and service needs, and analysis of the facility organization and operation (92-5-022)

In assessing the need for a facility the preplan shall recognize that the mission of the Eastern Washington Veteran's Health Service Center will be to focus on rehabilitation of veterans in order to enable them to return to independent living in their communities. The analysis of client workload and service needs shall examine the following options:

- (a) Treatment and therapy for veterans suffering from substance abuse diseases;
 - (b) Rehabilitation and therapy that, upon completion, allow veterans to return to or remain in the home or an alternative community living situation;
 - (c) Alzheimers disease care;
 - (d) Outpatient service for community-based eligible veterans such as post-trauma stress disorder;
 - (e) Assisted living;
 - (f) Temporary living quarters for homeless veterans;
 - (g) Adult daycare;
 - (h) Referral and coordination of services for veterans in their communities;
- and
- (i) Residential nursing care for functionally disabled veterans.

Appropriation:	
CEP & RI Acct \$	148,492
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	148,492

- (16) Minor projects: Utilities and energy sewer project and the soldiers' home (90-4-006)

Reappropriation:	
CEP & RI Acct \$	80,000
Prior Biennia (Expenditures) \$	464,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	544,000

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF CORRECTIONS

The appropriations in this section are subject to the following condition and limitation: The department shall, to the extent possible, employ inmate labor in the construction of projects where such employment use will save money.

- (1) Washington State Reformatory: Continuation of cellblock renovations, and expansion of the industries and production areas and the gym (83-3-048)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 1,800,000
Appropriation:	
St Bldg Constr Acct	\$ 9,687,000
Prior Biennia (Expenditures)	\$ 19,513,213
Future Biennia (Projected Costs) . . .	\$ 9,281,500

TOTAL	\$ 40,281,713

- (2) Washington State Penitentiary: For improving security facilities and utilities (83-3-052)

The new appropriation in this subsection is provided solely to renovate perimeter walls and towers.

Reappropriation:	
St Bldg Constr Acct	\$ 1,300,000
Appropriation:	
St Bldg Constr Acct	\$ 1,609,000
Prior Biennia (Expenditures)	\$ 11,536,721
Future Biennia (Projected Costs) . . .	\$ 4,274,000

TOTAL	\$ 18,719,721

- (3) McNeil Island Corrections Center: For replacement of water mains; installation of new telephone switch gear; purchase of an underwater power cable for emergency use; replacement of overhead power lines and poles; and projects related to regulation of the landfill (86-1-002)

Reappropriation:	
St Bldg Constr Acct	\$ 4,800,000
Appropriation:	
St Bldg Constr Acct	\$ 3,230,500
Prior Biennia (Expenditures)	\$ 2,084,319
Future Biennia (Projected Costs) . . .	\$ 4,780,000

TOTAL	\$ 14,894,819

- (4) McNeil Island Corrections Center: For repairs of roads and sea walls (86-1-004)

Reappropriation:	
St Bldg Constr Acct	\$ 700,000
Appropriation:	
St Bldg Constr Acct	\$ 1,922,500
Prior Biennia (Expenditures)	\$ 5,400,879
Future Biennia (Projected Costs) . . .	\$ 3,737,000

TOTAL	\$ 11,760,379

- (5) McNeil Island Corrections Center: For repair of island homes, replacement of the emergency generator, and fire and safety improvements to institutional buildings (86-1-008)
- | | |
|--|---------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 2,100,000 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 2,040,000 |
| Prior Biennia (Expenditures) | \$ 6,084,008 |
| Future Biennia (Projected Costs) . . . | \$ 3,805,000 |
| | ----- |
| TOTAL | \$ 14,029,008 |
- (6) State-wide wastewater system improvements: For improvements to the laboratory at the wastewater facilities at the Monroe Reformatory; for upgrades of the sewage pumping system at Twin rivers Correctional Center; and for renovation of sewer lines at several facilities (88-1-017)
- | | |
|--|--------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 450,000 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 2,298,000 |
| Prior Biennia (Expenditures) | \$ 863,000 |
| Future Biennia (Projected Costs) . . . | \$ 0 |
| | ----- |
| TOTAL | \$ 3,611,000 |
- (7) State-wide water system improvements: To construct a new 120,000-gallon reservoir at Twin rivers Correctional Center; to upgrade storage tanks at the Washington Correctional Center at Shelton and the Larch Correctional Center; to drill a new well at Clearwater/Olympic Correctional Center; to increase reservoir capacity at Cedar Creek Correctional Center; and to upgrade water treatment and storage at the Washington State Reformatory Honor Farm (88-1-018)
- | | |
|--|--------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 900,000 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 1,731,000 |
| Prior Biennia (Expenditures) | \$ 461,000 |
| Future Biennia (Projected Costs) . . . | \$ 0 |
| | ----- |
| TOTAL | \$ 3,092,000 |
- (8) McNeil Island Corrections Center: Continue major renovation and expansion of the McNeil Island Correction Center (88-2-003)
- The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.
- | | |
|-------------------------------|---------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 27,000,000 |
| Appropriation: | |
| St Bldg Constr Acct | \$ 37,126,000 |

Prior Biennia (Expenditures)	\$	5,012,222
Future Biennia (Projected Costs) . . .	\$	12,708,000

TOTAL	\$	81,846,222

- (9) Work and training release relocation and expansion: To relocate and expand the work release facility currently located at Western State Hospital

No portion of this appropriation may be expended to purchase land until the department conducts a life-cycle cost analysis for the operating and capital costs of a facility to be located on the land and reports the results of the analysis to the fiscal committees of the legislature.

Reappropriation:		
St Bldg Constr Acct	\$	4,000,000
Prior Biennia (Expenditures)	\$	415,400
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	4,415,400

- (10) Washington Corrections Center for Women: For major renovation of existing facilities, including construction of thirty-bed special needs unit (88-2-006)

The new appropriation in this subsection shall be not expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	900,000
Appropriation:		
St Bldg Constr Acct	\$	3,388,000
Prior Biennia (Expenditures)	\$	715,000
Future Biennia (Projected Costs) . . .	\$	7,709,000

TOTAL	\$	12,712,000

- (11) Hazardous materials management (90-1-004)

Reappropriation:		
St Bldg Constr Acct	\$	200,000
Prior Biennia (Expenditures)	\$	79,000
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	279,000

- (12) Washington Corrections Center/Washington Corrections Center for Women: Perimeter security upgrade (90-1-007)

Reappropriation:		
St Bldg Constr Acct	\$	600,000
Prior Biennia (Expenditures)	\$	1,052,000
Future Biennia (Projected Costs) . . .	\$	1,183,000

TOTAL	\$	2,835,000

(13)	State-wide minor projects (90-1-009)		
	Reappropriation:		
	CEP & RI Acct	\$	900,000
	St Bldg Constr Acct	\$	2,700,000

	Subtotal Reappropriation . . .	\$	2,200,000
	Prior Biennia (Expenditures)	\$	1,749,000
	Future Biennia (Projected Costs) . . .	\$	0

	TOTAL	\$	5,349,000
(14)	State-wide small repairs and improvements (90-1-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	456,000
	Future Biennia (Projected Costs) . . .	\$	0

	TOTAL	\$	756,000
(15)	State-wide emergency repair projects (90-1-013)		
	Reappropriation:		
	CEP & RI Acct	\$	150,000
	Appropriation:		
	CEP & RI Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	600,000
	Future Biennia (Projected Costs) . . .	\$	750,000

	TOTAL	\$	2,250,000
(16)	New facilities: To design and construct a new 1,024-bed medium-security prison, and four minimum-security correctional facilities, for a total of 2,424 new beds (90-2-001)		
	The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.		
	Reappropriation:		
	St Bldg Constr Acct	\$	51,550,000
	Drug Enf & Ed Acct	\$	5,900,000

	Subtotal Reappropriation . . .	\$	57,450,000
	Appropriation:		
	St Bldg Constr Acct	\$	96,036,000
	Prior Biennia (Expenditures)	\$	3,038,000
	Future Biennia (Projected Costs) . . .	\$	0

	TOTAL	\$	156,524,000

(17)	Washington State Penitentiary: For minimum security unit double bunking (90-2-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,050,000
	Prior Biennia (Expenditures)	\$	160,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,210,000
(18)	Twin rivers Corrections Center: Double bunking (90-2-004)		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,500,000
	Prior Biennia (Expenditures)	\$	481,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,981,000
(19)	Washington State Penitentiary: Medium-security complex double bunking (90-2-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,000,000
	Prior Biennia (Expenditures)	\$	128,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,128,000
(20)	Clearwater/Olympic Corrections Center: 100-bed expansion (90-2-006)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,200,000
	Prior Biennia (Expenditures)	\$	538,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,738,000
(21)	Cedar Creek Corrections Center: 100-bed expansion (90-2-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,450,000
	Prior Biennia (Expenditures)	\$	187,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,637,000
(22)	Washington State Penitentiary: Expand medium-security complex industries building (90-2-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,100,000
	Prior Biennia (Expenditures)	\$	113,000

	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	1,213,000
(23)	State-wide roof repair: For reroofing projects at the Corrections Center at Shelton, Cedar Creek Corrections Center, Indian Ridge Corrections Center, Clearwater/Olympic Corrections Center, Monroe Reformatory, and the Treatment Center for Women at Purdy facilities (90-3-011)	
	Reappropriation:	
	St Bldg Constr Acct \$	150,000
	Appropriation:	
	St Bldg Constr Acct \$	2,631,000
	Prior Biennia (Expenditures) \$	1,350,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	4,131,000
(24)	Clallam Bay Corrections Center: To expand program space and add three hundred forty-nine beds (90-5-026)	
	Reappropriation:	
	St Bldg Constr Acct \$	23,000,000
	Prior Biennia (Expenditures) \$	2,301,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	25,301,000
(25)	Camp labor pool funds (90-5-031)	
	Moneys from the reappropriation in this subsection shall made available to the department for expanded capacity projects in the event inmate labor cannot be employed.	
	Reappropriation:	
	St Bldg Constr Acct \$	229,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	229,000
(26)	Underground storage tanks: To test, replace, and/or remove underground storage tanks state-wide (92-1-002)	
	Appropriation:	
	St Bldg Constr Acct \$	300,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	1,000,000
	TOTAL \$	1,300,000

- (27) State-wide minor projects: For projects less than \$500,000 pertaining to life safety/code compliance, property protection, or essential program support (92-1-012)

Appropriation:	
St Bldg Constr Acct	\$ 7,500,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 4,976,000
TOTAL	\$ 12,476,000

- (28) State-wide small repairs and improvements: For miscellaneous state-wide projects, each under \$25,000 (92-1-013)

Appropriation:	
St Bldg Constr Acct	\$ 497,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 497,000

- (29) Washington Corrections Center: To retrofit the boiler at Shelton (92-1-026)

In retrofitting the boiler, the department shall consider using wood pellets or natural gas, whichever is the more economically competitive, as the primary fuel source for the boiler.

Appropriation:	
St Bldg Constr Acct	\$ 2,164,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 2,164,000

- (30) Washington State Penitentiary: To add space for recreation, legal libraries, medical/dental unit, property and a clothing room at medium-security facilities (92-2-021)

Appropriation:	
St Bldg Constr Acct	\$ 1,443,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,443,000

- (31) Washington State Penitentiary: To add space to the current gym, and upgrade systems for heating, ventilation, and air conditioning, fire protection, lighting, and electricity (92-2-022)

Appropriation:	
St Bldg Constr Acct	\$ 888,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

	TOTAL	\$	888,000
(32)	Washington Corrections Center: For installation of a new underground steam distribution/condensation return system (92-2-028)		
	Appropriation:		
	St Bldg Constr Acct	\$	729,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	729,000
(33)	Washington State Reformatory: For initiation of a feasibility study for relocation of program and living space at the honor farm (92-2-029)		
	Appropriation:		
	St Bldg Constr Acct	\$	230,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	1,000,000
	TOTAL	\$	1,230,000
(34)	Washington State Reformatory: Restoration and repair of perimeter walls (92-2-031)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,084,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	1,084,000
(35)	Pilot preventive maintenance program: For computer hardware and software for a computer-based preventative maintenance system (92-4-033)		
	The appropriation in this subsection is subject to the following conditions and limitations: The department of corrections shall, every six months, submit a progress report on this project to the department of general administration, the office of financial management, the senate committee on ways and means, and the house of representatives committee on capital facilities and financing.		
	Appropriation:		
	St Bldg Constr Acct	\$	325,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	325,000
(36)	Cedar Creek Corrections Center upgrade: Core facilities improvements and dormitory expansion (92-2-024)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,426,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,426,000

"PART 3
NATURAL RESOURCES"

NEW SECTION. Sec. 17. FOR THE WASHINGTON STATE ENERGY OFFICE

(1)	Energy partnership: Conservation capital projects for schools and state government facilities (92-1-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,729,400
	Appropriation:		
	Energy Eff Constr Acct	\$	15,000,000
	Prior Biennia (Expenditures)	\$	217,000
	Future Biennia (Projected Costs)	\$	331,000,000

	TOTAL	\$	347,946,400
(2)	Energy partnership services: For project start-up		
	Appropriation:		
	Energy Eff Svcs Acct	\$	3,050,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	3,050,000

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF ECOLOGY

(1)	Referendum 26: Waste disposal facilities (74-5-004)		
	Reappropriation:		
	LIRA, Waste Disp Fac	\$	15,660,673
	Prior Biennia (Expenditures)	\$	8,093,028
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	23,753,701
(2)	Referendum 38: Water supply facilities (74-5-006)		
	Reappropriation:		
	LIRA, Water Sup Fac	\$	26,744,618
	Prior Biennia (Expenditures)	\$	2,466,576
	Future Biennia (Projected Costs)	\$	29,763,000

	TOTAL	\$	58,974,194
(3)	State emergency water project revolving account (76-5-003)		
	Reappropriation:		
	Emergency Water Proj	\$	7,599,337
	Appropriation:		

Emergency Water Proj	\$	1,343,929
Prior Biennia (Expenditures)	\$	16,586,284
Future Biennia (Projected Costs) . . .	\$	224,761
		<hr/>
TOTAL	\$	25,754,311

(4) Referendum 39: Waste disposal facilities 1980 bond issue (82-5-005)

No expenditure from the reappropriation in this subsection shall be made for any grant valued over fifty million dollars to a city or county for solid waste disposal facilities unless the following conditions are met:

(a) The city or county agrees to comply with all the terms of the grant contract between the city or county and the department of ecology;

(b) The city or county agrees to implement curbside collection of recyclable materials as prescribed in the grant contract; and

(c) The city or county does not begin actual construction of the solid waste disposal facility until it has obtained a permit for prevention of significant deterioration as required by the federal clean air act.

Reappropriation:

LIRA, Waste Disp Fac	\$	61,598,000
Prior Biennia (Expenditures)	\$	401,402,000
Future Biennia (Projected Costs) . . .	\$	0
		<hr/>
TOTAL	\$	463,000,000

(5) Water quality account (86-5-007)

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In awarding grants, extending grant payments, or making loans from these appropriations for facilities that discharge directly into marine waters, the department shall:

(i) Give first priority to secondary wastewater treatment facilities that are mandated by both federal and state law;

(ii) Give second priority to projects that reduce combined sewer overflows; and

(iii) Encourage economies that are derived from any simultaneous projects that achieve the purposes of both (a) and (b) of this subsection.

(b) The following limitations shall apply to the department's total distribution of funds appropriated under this section:

(i) Not more than fifty percent for water pollution control facilities that discharge directly into marine waters;

(ii) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie aquifer;

(iii) Not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers;

(iv) Not more than ten percent for activities that control nonpoint source water pollution;

(v) Ten percent and such sums as may be remaining from the categories specified in (i) through (iv) of this subsection for water pollution control activities or facilities as determined by the department.

(c) In determining compliance schedules for the greatest reasonable reduction of combined sewer overflows, the department shall consider the amount of grant or loan moneys available to assist local governments in the planning, design, acquisition, construction, and improvement of combined sewer overflow facilities.

(d) \$330,000 of the water quality account appropriation is provided solely for the department to evaluate water quality, solid and hazardous waste, and toxics cleanup needs of the state. The amount provided in this subsection represents the water quality account share of funding the evaluation. The department shall include in the evaluation information regarding existing needs and recommendations on how to address those needs within existing state financial assistance programs. The department shall also evaluate long-range financial options which take into account local financial resources. The evaluation shall be done in coordination with the state agency coordinating council established in Engrossed Substitute House Bill No. 1025 (Growth Management Strategies). If the bill is not enacted by July 31, 1991, the director of the department shall coordinate with the department of community development, the department of health, and the Puget Sound water quality authority as well as with other appropriate state and local agencies. By November 1, 1991, the department shall submit to the chairs of the house capital facilities and financing committee and the senate ways and means committee, a detailed work plan, budget, and schedule for completion of the evaluation.

Reappropriation:	
Water Quality Acct	\$ 134,422,504
Appropriation:	
Water Quality Acct	\$ 85,607,310
Prior Biennia (Expenditures)	\$ 53,036,533
Future Biennia (Projected Costs)	\$ 157,835,000

TOTAL	\$ 430,901,347

(6) Nisqually River Interpretive Center

Appropriation:	
St Bldg Constr Acct	\$ 150,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 150,000

(7) Local toxics control account (88-5-008)

\$270,000 of the new appropriation in this subsection is provided solely for the evaluation required in subsection (5)(d) of this section.

\$300,000 of the new appropriation in this subsection is provided solely for a pilot grant program to address remedial actions involving the contamination of drinking water supplies from hazardous substances. The pilot grant program is limited to remedial action where a responsible party has not been identified or held responsible. The department may establish an appropriate local match requirement for the pilot grant program. The department shall report to the appropriate

committees of the legislature regarding the state-wide need for programs to clean up drinking water supplies contaminated by hazardous substances. This report shall be consolidated into the evaluation required in subsection (5)(d) of this section.

Reappropriation:	
Local Toxics Control	\$ 27,653,297
Appropriation:	
Local Toxics Control	\$ 59,183,607
Prior Biennia (Expenditures)	\$ 18,467,142
Future Biennia (Projected Costs) . . .	\$ 106,984,641

TOTAL	\$ 212,288,687

(8) Methow Basin water conservation

This appropriation in this subsection shall be used to fund water use efficiency improvements in this Methow Basin, including the installation of headworks, weirs, and fish screens on existing irrigation diversions, metering of miscellaneous water uses, and lining of irrigation canals and ditches in identified high priority irrigation systems.

Appropriation:	
St Bldg Constr Acct	\$ 400,000
LIRA, Water Sup Fac	\$ 800,000

Subtotal Appropriation	\$ 1,200,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 1,200,000

NEW SECTION. Sec. 19. FOR THE STATE PARKS AND RECREATION COMMISSION

(1) State-wide: Water supply facilities (86-1-002)

Reappropriation:	
St Bldg Constr Acct	\$ 30,000
Prior Biennia (Expenditures)	\$ 1,035,000
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 1,065,000

(2) Sewer Facilities: To complete sewer projects including state-wide projects (86-1-003 and 88-1-008), Camp Wooten sewer system renovation (89-1-122), and Ocean City municipal sewer connection (88-1-010)

Reappropriation:	
LIRA, Waste Fac 1980	\$ 352,400
ORA-Federal	\$ 20,007
ORA-State	\$ 22,000
St Bldg Constr Acct	\$ 145,000

Subtotal Reappropriation	\$ 539,407

Prior Biennia (Expenditures)	\$	756,764
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,296,171

(3) State-wide boating projects: To complete boating projects, including boating improvements (86-3-005), boating pumpout facilities (88-1-009), boating traffic control (88-1-013), boating facilities (88-2-011 and 88-2-012), and boating and marine construction (89-2-106)

Reappropriation:		
ORA-Federal	\$	36,700
ORA-State	\$	727,500
St Bldg Constr Acct	\$	402,000

Subtotal Reappropriation	\$	1,166,200
Prior Biennia (Expenditures)	\$	886,074
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,052,274

(4) State-wide: Landscape repairs (86-1-026)

Reappropriation:		
St Bldg Constr Acct	\$	10,000
Prior Biennia (Expenditures)	\$	70,689
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	80,689

(5) West Hylebos: Acquisition and development (86-4-013)

Reappropriation:		
St Bldg Constr Acct	\$	190,000
Prior Biennia (Expenditures)	\$	5,498
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	195,498

(6) Moran: Mt. Lake civilian conservation corps buildings renovation (87-1-049) and renovate mountain lake dam (89-1-110)

Reappropriation:		
St Bldg Constr Acct	\$	180,000
Prior Biennia (Expenditures)	\$	161,265
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	341,265

(7) Flaming Geyser: Bridge relocation, phase 2 (87-2-029)

Reappropriation:		
St Bldg Constr Acct	\$	279,000

	ORA-Federal	\$	170,000
	ORA-State	\$	158,000
			<hr/>
	Subtotal Reappropriation ...	\$	607,000
	Prior Biennia (Expenditures)	\$	622,000
	Future Biennia (Projected Costs) ...	\$	0
			<hr/>
	TOTAL	\$	1,229,000
(8)	Auburn game farm: Development (87-3-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	235,000
	Prior Biennia (Expenditures)	\$	271,085
	Future Biennia (Projected Costs) ...	\$	0
			<hr/>
	TOTAL	\$	526,085
(9)	Green river gorge: Phased acquisition (87-5-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	140,000
	Prior Biennia (Expenditures)	\$	123,000
	Future Biennia (Projected Costs) ...	\$	0
			<hr/>
	TOTAL	\$	263,000
(10)	Potable water supply: To complete potable water supply projects, including state-wide projects (88-1-003)		
	Reappropriation:		
	St Bldg Constr Acct	\$	150,000
	Improv-Water Supply	\$	100,000
			<hr/>
	Subtotal Reappropriation ...	\$	250,000
	Prior Biennia (Expenditures)	\$	672,305
	Future Biennia (Projected Costs) ...	\$	0
			<hr/>
	TOTAL	\$	922,305
(11)	Saint Edward: Light entrance trail and comfort station (88-1-041)		
	Reappropriation:		
	St Bldg Constr Acct	\$	210,000
	Prior Biennia (Expenditures)	\$	12,000
	Future Biennia (Projected Costs) ...	\$	0
			<hr/>
	TOTAL	\$	222,000
(12)	State-wide: Park facility renovation (88-2-025)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000

	Prior Biennia (Expenditures) \$	226,146
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	256,146
(13)	Camp Wooten: Comfort station (88-2-041)	
	Reappropriation:	
	St Bldg Constr Acct \$	50,000
	Prior Biennia (Expenditures) \$	107,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	157,000
(14)	Camano Island: Point Lowell road relocation (88-3-043)	
	Reappropriation:	
	Motor Vehicle Acct \$	280,000
	St Bldg Constr Acct \$	100,000

	Subtotal Reappropriation . . . \$	380,000
	Prior Biennia (Expenditures) \$	141,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	521,000
(15)	Maryhill: Development (88-5-035)	
	Not more than \$75,000 of the appropriation in this subsection may be used to contract with the department of community development to conduct archeological and cultural resource studies in connection with the development of property along the Columbia river.	
	Reappropriation:	
	St Bldg Constr Acct \$	930,000
	Prior Biennia (Expenditures) \$	146,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	1,076,000
(16)	Fort Worden: Thirty-unit campground and conference center (88-5-056)	
	Reappropriation:	
	St Bldg Constr Acct \$	10,000
	Prior Biennia (Expenditures) \$	370,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	380,000
(17)	Ocean beaches: Acquisition of ocean beaches (88-5-036)	
	Reappropriation:	
	St Bldg Constr Acct \$	430,000

	Prior Biennia (Expenditures) \$	24,503
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	24,503
(18)	Crystal Falls: Acquisition and development (88-5-057)	
	Reappropriation:	
	St Bldg Constr Acct \$	25,000
	Prior Biennia (Expenditures) \$	3,799
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	28,799
(19)	Blake Island: Fire protection system (89-1-050)	
	Reappropriation:	
	St Bldg Constr Acct \$	108,000
	Prior Biennia (Expenditures) \$	10,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	118,000
(20)	State-wide: Water supply and irrigation (89-1-101)	
	Reappropriation:	
	St Bldg Constr Acct \$	190,000
	Prior Biennia (Expenditures) \$	85,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	275,000
(21)	State-wide: Sanitary facilities (89-1-102)	
	Reappropriation:	
	St Bldg Constr Acct \$	150,000
	Prior Biennia (Expenditures) \$	2,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	152,000
(22)	Electrical code compliance: To complete electrical code compliance projects (89-1-103)	
	Reappropriation:	
	St Bldg Constr Acct \$	140,000
	ORA-State \$	45,000
	Subtotal Reappropriation . . . \$	185,000
	Prior Biennia (Expenditures) \$	109,700
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	394,700

(23)	State-wide: Compliance with safe drinking water act (89-1-116)		
	Reappropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	161,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	441,000
(24)	Sacajawea: Modify river floats (89-1-129)		
	Reappropriation:		
	ORA-State	\$	190,000
	Prior Biennia (Expenditures)	\$	2,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	192,000
(25)	General construction: To complete state-wide general construction projects (89-2-107 and 89-2-109)		
	Reappropriation:		
	St Bldg Constr Acct	\$	595,000
	Prior Biennia (Expenditures)	\$	179,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	774,000
(26)	Westhaven: Comfort station replacement (89-2-119)		
	Reappropriation:		
	St Bldg Constr Acct	\$	400,000
	Prior Biennia (Expenditures)	\$	23,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	423,000
(27)	Lake Sammamish: Boat launch repairs (89-2-139)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	14,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	114,000
(28)	State-wide: Site and environmental protection (89-3-104)		
	Reappropriation:		
	St Bldg Constr Acct	\$	280,000
	Prior Biennia (Expenditures)	\$	20,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	300,000
(29)	State-wide: Weatherproofing (89-3-108)		
	Reappropriation:		
	St Bldg Constr Acct	\$	85,000
	Prior Biennia (Expenditures)	\$	82,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	167,000
(30)	Fort Worden: Rebuild boat launch breakwater (89-3-135)		
	Reappropriation:		
	ORA-State	\$	300,000
	Prior Biennia (Expenditures)	\$	15,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	315,000
(31)	Larrabee: Development (89-5-002)		
	Reappropriation:		
	St Bldg Constr Acct	\$	320,000
	ORA-Federal	\$	140,540
	Subtotal Reappropriation ...	\$	460,540
	Prior Biennia (Expenditures)	\$	20,350
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	480,890
(32)	Acquisition projects: To complete acquisition projects, including state-wide acquisition (89-3-105), Spokane Centennial Trail acquisition and initial development (89-5-112), Fort Casey-- Keystone spit acquisition, phase 2 (89-5-113), and Belfair acquisition, phase 2 (89-5-114)		
	Reappropriation:		
	General Fund-Federal	\$	3,500,000
	St Bldg Constr Acct	\$	172,000
	ORA-Federal	\$	249,000-
	Subtotal Reappropriation ...	\$	3,921,000
	Prior Biennia (Expenditures)	\$	4,372,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	8,283,000
(33)	Fort Canby: Initial development, Beard's Hollow (89-5-115)		
	Reappropriation:		
	St Bldg Constr Acct	\$	275,000
	Prior Biennia (Expenditures)	\$	14,000
	Future Biennia (Projected Costs) ...	\$	0

	TOTAL	\$	289,000
(34)	Ocean beaches access: Comfort station and parking areas (89-5-120)		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	ORA-Federal	\$	316,000
	Subtotal Reappropriation ...	\$	616,000
	Prior Biennia (Expenditures)	\$	42,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	658,000
(35)	Spokane Centennial Trail: Initial development, the islands (89-5-166)		
	Reappropriation:		
	St Bldg Constr Acct	\$	233,000
	Prior Biennia (Expenditures)	\$	17,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	250,000
(36)	Ohme Gardens: Acquisition, safety, and irrigation (89-5-169)		
	The appropriation in this subsection is subject to the following conditions and limitations: This property shall be operated by Chelan county at county expense.		
	Reappropriation:		
	St Bldg Constr Acct	\$	765,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	765,000
(37)	Snohomish county: Snohomish Centennial Trail (89-5-170)		
	Reappropriation:		
	St Bldg Constr Acct	\$	852,000
	Prior Biennia (Expenditures)	\$	248,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	1,100,000
(38)	Dougs Beach: Initial development, windsurfing access (90-1-171)		
	Reappropriation:		
	St Bldg Constr Acct	\$	120,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	120,000

(39)	State-wide: Omnibus facility contingency (90-2-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	239,400
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,232,000

	TOTAL	\$	1,471,400
(40)	State-wide: Underground storage tank, environmental compliance, phase 1 (90-2-003)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,900,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	6,000,000

	TOTAL	\$	7,900,000
(41)	State-wide: Emergency and unforeseen needs (91-1-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	350,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	700,000

	TOTAL	\$	1,050,000
(42)	Iron Horse: John Wayne Trail, tunnel (91-1-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	185,000
	Prior Biennia (Expenditures)	\$	11,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	196,000
(43)	Colville Tribes Interpretive Center (90-5-172)		
	Reappropriation:		
	State General Fund	\$	25,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	25,000
(44)	Iron Horse: Acquisition and trail safety (91-1-006)		
	Reappropriation:		
	Trust Land Purchase Acct	\$	18,000
	Prior Biennia (Expenditures)	\$	182,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	200,000
(45)	State-wide: Omnibus minor projects, utilities (91-2-004) and general construction (91-2-005)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,736,300
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	6,698,000
	TOTAL	\$	10,434,300
(46)	Deception Pass: Renovate park sewer system, phase 1 construction (91-2-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	968,500
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	968,500
(47)	Triton Cove: Renovation (91-2-008)		
	Appropriation:		
	ORA-State	\$	582,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	582,000
(48)	State-wide: Omnibus minor works, boating and marine construction (91-2-009)		
	Appropriation:		
	ORA-State	\$	379,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	2,000,000
	TOTAL	\$	2,379,000
(49)	Yakima: Acquisition, phased project (91-5-028)		
	Appropriation:		
	ORA-Federal	\$	152,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	152,000
(50)	Haley property: Initial development (91-5-030)		
	Appropriation:		
	ORA-Federal	\$	500,000
	Prior Biennia (Expenditures)	\$	0

	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	500,000
(51)	Rasar: Initial development (91-5-032)	
	Appropriation:	
	ORA-Federal \$	500,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	500,000
(52)	Colbert House: Acquisition of two lots, renovation and preservation (91-5-052)	
	Appropriation:	
	ORA-Federal \$	57,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	57,000
(53)	Lake Isabella: Acquisition, phase 2 (91-5-065)	
	Appropriation:	
	ORA-Federal \$	335,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	335,000
(54)	Ocean beaches: Ocean beach access development (91-5-069 and 91-5-076)	
	Appropriation:	
	ORA-Federal \$	381,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	381,000
(55)	Steamboat Rock: Random camp area, Jones Bay (95-2-182)	
	Reappropriation:	
	St Bldg Constr Acct \$	143,000
	Prior Biennia (Expenditures) \$	8,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	151,000
(56)	Iron Goat Trail: For the department to contract with a nonprofit organization to develop hiking trails on the abandoned Great Northern Railway crossing the Cascade mountains at Stevens Pass	

The appropriation in this subsection shall be matched by \$180,000 of nonstate sources of in-kind donations and cash.

	Appropriation:		
	St Bldg Constr Acct	\$	30,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	30,000
(57)	Saltwater State Park: For flood control improvements to McSorley creek		
	Appropriation:		
	St Bldg Constr Acct	\$	497,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	497,000
(58)	Omnibus facility contingency: For storm damage repair caused by November and December, 1990 storms, and January, 1991 storms (90-1-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	360,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	700,000
	TOTAL	\$	1,060,000
(59)	St. Edward: New gutters and drops		
	Appropriation:		
	St Bldg Constr Acct	\$	26,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	26,000
(60)	St. Edward: Gym renovation and parking expansion		
	Appropriation:		
	St Bldg Constr Acct	\$	665,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	665,000
(61)	Lewis and Clark state park: For planning an equestrian center at the park		
	Appropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

TOTAL	\$	200,000
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- (62) Olmstead Park: The revenues generated from the lease of state lands at Olmstead Park shall be expended exclusively for the purposes of improvements to Olmstead Park."

NEW SECTION. Sec. 20. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

(1) Grants to public agencies (90-2-001)

Reappropriation:

St Bldg Constr Acct	\$	498,000
ORA-Federal	\$	637,000
ORA-State	\$	1,911,000
Firearms Range Acct	\$	405,000-
Subtotal Reappropriation ...	\$	3,451,000

Prior Biennia (Expenditures)	\$	6,254,000
Future Biennia (Projected Costs) ...	\$	0

TOTAL	\$	9,705,000
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(2) Wildlife conservation and recreation (90-5-002)

Reappropriation:

ORA-State	\$	22,000,000
Habitat Conservation Acct	\$	21,830,000

Subtotal Reappropriation ...	\$	43,830,000
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Prior Biennia (Expenditures)	\$	9,170,000
Future Biennia (Projected Costs) ...	\$	0

TOTAL	\$	53,000,000
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(3) Grants to public agencies (92-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,400,000 of the state building and construction account appropriation in this subsection is provided solely for matching grants to local governments for projects contained in the governor's Washington wildlife and recreation submittal list from categories designated for local governments. The committee shall require a match of at least fifty percent.

(b) \$138,000 of the state outdoor recreation account may be used for additional program staff for administration.

Appropriation:

ORA-Federal	\$	2,000,000
ORA-State	\$	7,738,000
Firearms Range Acct	\$	222,000
St Bldg Constr Acct	\$	10,400,000

Subtotal Appropriation ...	\$	20,360,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	21,764,000

TOTAL	\$	42,124,000

(4) Washington wildlife and recreation program

(a) One-half of the appropriation in this subsection shall be deposited into and is hereby appropriated from the habitat conservation account and one-half shall be deposited into and is hereby appropriated from the state outdoor recreation account, for the Washington wildlife and recreation program, as established under chapter 43.98A RCW.

(b) All land acquired by a state agency with moneys from this appropriation shall comply with class A, B, and C weed control provisions of chapter 17.10 RCW.

(c) The following projects are deleted from the approved list of projects established under chapter 43.98A RCW:

- (i) Hatten-Tracy rock acquisitions (project #925033)
- (ii) Yakima river canyon acquisition (project #925055)
- (iii) Okanogan sharp-tailed grouse habitat (project #925040)
- (iv) Southeast Washington critical habitat acquisition (project #925042)
- (v) Esquaztel coulee acquisition (project #935064)

Appropriation:		
St Bldg Constr Acct	\$	50,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	105,000,000

TOTAL	\$	155,000,000

(5) Clear Creek dam: To rebuild the dam according to plans approved by the United States bureau of reclamation

The appropriation in this subsection is contingent on at least \$3,250,000 being provided from federal and local sources.

Appropriation:		
St Bldg Constr Acct	\$	1,750,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	1,750,000

NEW SECTION. Sec. 21. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

(1) Community economic revitalization board (86-1-001)

\$2,000,000 of the state building and construction account appropriation and the entire public facility construction loan revolving account appropriation in this subsection are provided solely for communities defined as timber-dependent under chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341). In allocating these funds, the community economic revitalization board shall give priority to communities experiencing high unemployment or high timber unemployment.

Appropriation:

Pub Fac Constr Loan		
Rev Acct	\$	2,000,000
St Bldg Constr Acct	\$	6,000,000

Subtotal Appropriation	\$	8,000,000
Prior Biennia (Expenditures)	\$	7,429,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	15,429,000

(2) Mt. St. Helens road and visitor center (90-5-002)

The appropriation in this subsection shall not exceed twenty-five percent of the total project cost and is contingent on a contribution of at least \$300,000 by Cowlitz county for the project.

Reappropriation:

St Bldg Constr Acct	\$	3,700,000
Prior Biennia (Expenditures)	\$	1,900,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,600,000

(3) Agricultural complex: Yakima (89-2-005)

The appropriation in this subsection is contingent on a contribution of an equal amount of funds from nonstate sources.

Reappropriation:

St Bldg Constr Acct	\$	843,000
Prior Biennia (Expenditures)	\$	3,157,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,000,000

(4) Washington Technology Center (88-1-003)

The appropriation in this subsection is provided solely for transfer to and administration by the University of Washington.

Reappropriation:

St Bldg Constr Acct	\$	2,950,000
Prior Biennia (Expenditures)	\$	12,852,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	15,802,000

(5) Community economic revitalization board: For the unexpended balance of projects approved by the board during the 1989-91 biennium from the public facility construction loan revolving account, which was a nonappropriated fund at the time the projects were approved.

Appropriation:

Pub Fac Constr Loan		
Rev Acct	\$	2,972,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,972,000

(6) Port infrastructure development projects

The appropriation in this subsection is provided solely for the port of Grays Harbor for paving an existing cargo storage yard and construction of a cargo storage facility. This appropriation is subject to a favorable review by the department of a proposal prepared by the port of Grays Harbor describing how this project will: (a) Have a high probability of success using standard economic principles; (b) provide long-term economic benefits to the community; (c) include local participation; and (d) be consistent with the community's economic strategy and goals.

Appropriation:

St Bldg Constr Acct	\$	4,600,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,600,000

(7) Economic assessment study for timber-dependent ports

The appropriation in this subsection is provided solely for the department to contract for an economic assessment study of timber-dependent ports, limited to the ports of Grays Harbor, Port Angeles, and Longview. The study shall include the following: (a) A review and examination of the comparative advantage of each port's geographic and regional characteristics, and the characteristics of the three-port region, focusing on current and potential markets for exports and imports; (b) identification of specific diversification opportunities for the three-port region, including possibilities for expansion of nonlog export activities and opportunities; (c) identification of actions that each port can undertake to increase and develop business opportunities compatible with regional port resources and goals; (d) recommendations for long-term strategies for the three-port region focusing on market development, facilities development, and operations and financial requirements; (e) strategies to enhance cooperation in future development that would allow each of the three ports to diversify in areas that would complement each other, including an analysis of recent, present, or potential competition among the ports; and (f) joint marketing strategies and joint capital facilities planning.

Appropriation:

Pub Fac Constr Loan		
Rev Acct	\$	150,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	150,000

NEW SECTION. Sec. 22. FOR THE STATE CONSERVATION COMMISSION

(1)	Water quality account (90-2-001)		
	Reappropriation:		
	Water Quality Acct	\$	430,000
	Appropriation:		
	Water Quality Acct	\$	2,140,000
	Prior Biennia (Expenditures)	\$	1,994,000
	Future Biennia (Projected Costs)	\$	3,946,000

	TOTAL	\$	8,510,000
	<u>NEW SECTION. Sec. 23. FOR THE DEPARTMENT OF FISHERIES</u>		
(1)	Habitat: Salmon enhancement program (77-5-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	15,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,235,000
	Prior Biennia (Expenditures)	\$	906,000
	Future Biennia (Projected Costs)	\$	2,400,000

	TOTAL	\$	4,556,000
(2)	Hood Canal Bridge: Public fishing access (79-2-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	Prior Biennia (Expenditures)	\$	22,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	52,000
(3)	Safety, health, and code compliance (86-1-020)		
	\$1,239,000 of the appropriation in this subsection is provided solely for pollution abatement programs at state salmon hatcheries necessary to meet requirements of state and federal clean water legislation.		
	Reappropriation:		
	St Bldg Constr Acct	\$	300,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,589,000
	Prior Biennia (Expenditures)	\$	559,000
	Future Biennia (Projected Costs)	\$	1,800,000

	TOTAL	\$	4,248,000
(4)	Towhead Island public access renovation (86-3-028)		
	Reappropriation:		
	ORA-Federal	\$	20,000
	ORA-State	\$	170,000

	Subtotal Reappropriation	\$	190,000

	Prior Biennia (Expenditures) \$	21,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	211,000
(5)	Knappton boat launch (86-3-038)	
	Reappropriation:	
	ORA-Federal \$	43,000
	Prior Biennia (Expenditures) \$	11,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	54,000
(6)	McAllister: Improvements (88-2-003)	
	Reappropriation:	
	St Bldg Constr Acct \$	50,000
	Prior Biennia (Expenditures) \$	126,999
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	176,999
(7)	Clam and oyster beach (88-5-002)	
	Reappropriation:	
	St Bldg Constr Acct \$	1,000,000
	Prior Biennia (Expenditures) \$	1,123,156
	Future Biennia (Projected Costs) . . . \$	1,200,000
	TOTAL \$	3,323,156
(8)	Fish protection facilities (88-5-012)	
	Reappropriation:	
	St Bldg Constr Acct \$	30,000
	Appropriation:	
	St Bldg Constr Acct \$	445,000
	Prior Biennia (Expenditures) \$	221,100
	Future Biennia (Projected Costs) . . . \$	600,000
	TOTAL \$	1,296,100
(9)	Coast and Puget Sound salmon enhancement (88-5-016)	
	Reappropriation:	
	Salmon Enhancement Acct \$	608,320
	St Bldg Constr Acct \$	2,500,000
	Subtotal Reappropriation . . . \$	3,108,320
	Prior Biennia (Expenditures) \$	1,353,517
	Future Biennia (Projected Costs) . . . \$	3,750,000

	TOTAL	\$	8,211,837
(10)	Shorefishing access (88-5-018)		
	Reappropriation:		
	St Bldg Constr Acct	\$	550,000
	Prior Biennia (Expenditures)	\$	521,946
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	1,071,946
(11)	South Sound net pen support (90-2-007)		
	Reappropriation:		
	St Bldg Constr Acct	\$	175,000
	Prior Biennia (Expenditures)	\$	168,000
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	343,000
(12)	Humptulips: Upgrade intake dam (90-2-010)		
	Reappropriation:		
	St Bldg Constr Acct	\$	30,000
	Prior Biennia (Expenditures)	\$	183,100
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	213,100
(13)	Minor works projects: To complete minor works projects, including salmon culture minor works (90-2-011), field services minor works (90-2-015), and salmon culture minor capital projects (90-2-017)		
	Reappropriation:		
	St Bldg Constr Acct	\$	340,000
	Appropriation:		
	St Bldg Constr Acct	\$	1,467,300
	Prior Biennia (Expenditures)	\$	1,218,700
	Future Biennia (Projected Costs) ...	\$	2,950,000
	TOTAL	\$	5,976,000
(14)	George Adams: Water supply (90-2-019)		
	Reappropriation:		
	St Bldg Constr Acct	\$	175,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	175,000
(15)	Ilwaco boat access expansion (90-2-023)		

	Reappropriation:		
	ORA-State	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(16)	Bonneville pool boat access (90-2-028)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	100,000
(17)	Hood Canal boat access development (86-3-035)		
	The appropriations in this section are subject to the following conditions and limitations: If not expended by June 30, 1992, the appropriation in this section shall lapse.		
	Reappropriation:		
	ORA-Federal	\$	30,000
	ORA-State	\$	270,000
	Subtotal Reappropriation	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	300,000
(18)	Habitat management shop building (90-2-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	235,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	435,000
(19)	Shellfish surveys and Point Whitney repairs (90-3-013)		
	Appropriation:		
	St Bldg Constr Acct	\$	100,000
	Prior Biennia (Expenditures)	\$	175,000
	Future Biennia (Projected Costs)	\$	250,000
	TOTAL	\$	525,000
(20)	Property acquisition: To complete acquisition projects, including property acquisition project (90-3-009) and Strait of Juan de Fuca shoreline acquisition (90-5-025)		

	Reappropriation:		
	ORA-State	\$	350,000
	St Bldg Constr Acct	\$	80,000
	Subtotal Reappropriation	\$	430,000
	Prior Biennia (Expenditures)	\$	400,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	830,000
(21)	Kingston boat launch (90-5-027)		
	Reappropriation:		
	ORA-State	\$	100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	100,000
(22)	Fuel tanks: Code compliance program (92-1-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	225,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	600,000
	TOTAL	\$	825,000
(23)	Repair and replace fishing reef buoys (92-1-003)		
	Appropriation:		
	St Bldg Constr Acct	\$	75,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	100,000
	TOTAL	\$	175,000
(24)	Develop pathogen-free water and isolation incubation systems (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	500,000
(25)	Minter Creek hatchery: Reconstruction, phase 1 (92-2-016)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	800,000

	TOTAL	\$	4,100,000
(26)	Willapa interpretive center (92-2-020)		
	Appropriation:		
	St Bldg Constr Acct	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	300,000
(27)	Construct and remodel coastal field station (92-3-009)		
	Appropriation:		
	St Bldg Constr Acct	\$	750,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	750,000
(28)	Water access and development (92-3-030)		
	Appropriation:		
	ORA-State	\$	1,250,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	1,250,000
(29)	Toutle river hatchery: For an engineering study to determine the cost and feasibility of reconstructing the hatchery		
	Appropriation:		
	St Bldg Constr Acct	\$	75,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	75,000
	<u>NEW SECTION.</u> Sec. 24. FOR THE DEPARTMENT OF WILDLIFE		
(1)	Satsop river acquisition and development (86-2-029)		
	Reappropriation:		
	ORA-State	\$	55,254
	Prior Biennia (Expenditures)	\$	17,796
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	73,050
(2)	Mineral Lake: Site improvements (86-3-028)		
	Reappropriation:		
	ORA-State	\$	4,397

	Prior Biennia (Expenditures) \$	35,949
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	40,346
(3)	Aberdeen fish hatchery expansion (89-5-017)	
	Reappropriation:	
	Game Spec Wildlife Acct \$	8,699
	Prior Biennia (Expenditures) \$	731,301
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	740,000
(4)	Health, safety, and code compliance (90-1-001)	
	Reappropriation:	
	St Bldg Constr Acct \$	262,484
	Prior Biennia (Expenditures) \$	337,516
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	600,000
(5)	Minor repairs: To complete minor works and emergency repairs, including public fishing access minor works repair (90-1-014) and emergency repair and replacement (90-2-002)	
	Reappropriation:	
	Wildlife Account-Federal \$	40,000
	Wildlife Account-State \$	32,000
	Subtotal Reappropriation . . . \$	72,000
	Prior Biennia (Expenditures) \$	1,103,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	1,174,990
(6)	Hatchery renovation and improvement (90-2-004)	
	Reappropriation:	
	St Bldg Constr Acct \$	335,000
	Wildlife Account-Federal \$	200,000
	Wildlife Account-State \$	150,000
	Subtotal Reappropriation . . . \$	685,000
	Prior Biennia (Expenditures) \$	2,565,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	3,250,000
(7)	Public fishing access: To complete public fishing access projects, including redevelopment of public fishing access sites (90-2-007) and development of public fishing access sites (90-2-008)	

Reappropriation:	
St Bldg Constr Acct	\$ 288,000
ORA-State	\$ 936,000

Subtotal Reappropriation . . .	\$ 1,224,000
Prior Biennia (Expenditures)	\$ 332,000
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 1,556,000

(8) Wildlife area repair and development (90-2-016)

Reappropriation:	
Wildlife Account-Federal	\$ 45,000
Wildlife Account-State	\$ 65,000

Subtotal Reappropriation . . .	\$ 110,000
Prior Biennia (Expenditures)	\$ 200,000
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 310,000

(9) Office repairs: To complete office repairs projects, including office repairs and improvements (90-2-020) and regional offices facility relocation (90-2-021)

There shall be no expenditure of moneys from the reappropriation in this subsection for the expansion, renovation, or remodeling of facilities in Olympia, except for remodeling the Olympia warehouse.

Reappropriation:	
Wildlife Account-State	\$ 1,905,717
Prior Biennia (Expenditures)	\$ 284,283
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 2,190,000

(10) State-wide fencing repair and replacement (90-3-015)

Reappropriation:	
Wildlife Account-State	\$ 141,000
Prior Biennia (Expenditures)	\$ 627,000
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 768,000

(11) Migratory waterfowl habitat acquisition (90-5-005)

Reappropriation:	
Wildlife Account-State	\$ 200,000
Prior Biennia (Expenditures)	\$ 150,000
Future Biennia (Projected Costs) . . .	\$ 0

	TOTAL	\$	350,000
(12)	Acquisition of critical water access (90-5-009)		
	Reappropriation:		
	ORA-State	\$	17,619
	Wildlife Account-Federal	\$	100,000
	Subtotal Reappropriation ...	\$	117,619
	Prior Biennia (Expenditures)	\$	2,631
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	120,250
(13)	Puyallup tribal settlement (90-5-100)		
	Reappropriation:		
	St Bldg Constr Acct	\$	794,500
	Prior Biennia (Expenditures)	\$	5,500
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	800,000
(14)	Health, safety, and code compliance (92-1-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	1,200,000
	TOTAL	\$	1,700,000
(15)	Public fishing access minor works repair (92-1-004)		
	Appropriation:		
	Wildlife Account-Federal	\$	300,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	650,000
	TOTAL	\$	950,000
(16)	Public access toilet replacement (92-1-005)		
	Appropriation:		
	Wildlife Account-Federal	\$	200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	600,000
	TOTAL	\$	800,000

- (17) Repair projects: Wildlife area repair and development projects (92-2-007 and 92-2-023), emergency repair and facility small repair and replacement (92-2-002 and 92-2-003)

Appropriation:

St Bldg Constr Acct	\$	150,000
Wildlife Account-Federal	\$	50,000
Wildlife Reimb Constr Acct	\$	1,002,000

Subtotal Appropriation \$ 1,202,000

Prior Biennia (Expenditures) \$ 250,000

Future Biennia (Projected Costs) \$ 2,241,000

TOTAL \$ 3,693,000

- (18) Hatcheries: Hatchery renovation and improvement (92-2-009 and 92-2-025)

\$900,000 of these appropriations shall be spent solely for pollution abatement programs at state game fish hatcheries necessary to meet requirements of state and federal clean water legislation.

Appropriation:

St Bldg Constr Acct	\$	1,045,600
Wildlife Account-Federal	\$	1,000,000
Wildlife Reimb Constr Acct	\$	1,258,400

Subtotal Appropriation \$ 3,304,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 11,740,000

TOTAL \$ 15,044,000

- (19) Mitigation and dedicated funding projects (92-2-011)

Appropriation:

Wildlife Account-Federal	\$	3,100,000
Wildlife Account-Private/Local	\$	4,850,000
Game Spec Wildlife Acct	\$	50,000

Subtotal Appropriation \$ 8,000,000

Prior Biennia (Expenditures) \$ 769,000

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ 24,769,000

- (20) Acquisition, development, and redevelopment (92-2-015)

Appropriation:

ORA-State	\$	694,000
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Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,750,000

TOTAL \$ 2,444,000

(21)	State-wide fencing repair and replacement (92-3-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	75,000
	Wildlife Account-State	\$	425,000

	Subtotal Appropriation	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,000,000

	TOTAL	\$	1,500,000
(22)	Skagit wildlife area dike repair (92-3-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	26,250
	Wildlife Reimb Constr Acct	\$	145,000

	Subtotal Appropriation	\$	171,250
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	171,250
(23)	Migratory waterfowl habitat: Acquisition project (92-5-012) and habitat development (92-5-013)		
	Appropriation:		
	Wildlife Account-State	\$	700,000
	Prior Biennia (Expenditures)	\$	450,000
	Future Biennia (Projected Costs)	\$	1,400,000

	TOTAL	\$	2,550,000
(24)	Acquisition of wildlife habitat surplus property (92-5-014)		
	\$750,000 of the appropriation in this subsection may not be expended without first selling state-owned land of equal or greater value.		
	Appropriation:		
	Wildlife Account-State	\$	1,000,000
	Prior Biennia (Expenditures)	\$	600,000
	Future Biennia (Projected Costs)	\$	2,000,000

	TOTAL	\$	3,600,000
(25)	Acquisition and development of recreation sites at Luhrs Landing nature trail (92-5-016)		
	Appropriation:		
	St Bldg Constr Acct	\$	450,000
	Prior Biennia (Expenditures)	\$	294,000

Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	744,000

(26) Habitat enhancement fund (92-5-022)

Appropriation:	
Wildlife Account-Private/Local . . \$	500,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	1,000,000
TOTAL \$	1,500,000

(27) Grandy Creek hatchery (92-5-024)

Expenditure of the appropriation in this subsection is contingent on an in-kind match of dollars or services from nonstate sources equal to at least \$200,000.

Appropriation:	
St Bldg Constr Acct \$	4,684,166
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	4,684,166

NEW SECTION. Sec. 25. FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Aquatic land enhancement (86-3-020)

Reappropriation:	
Aquatic Lands Acct \$	3,924,000
Prior Biennia (Expenditures) \$	301,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	4,225,000

(2) Natural area preserves--Property purchases (88-02-061)

This appropriation is provided solely for the purpose of purchasing property or a less-than-fee interest in property under chapter 79.70 RCW. Moneys from this appropriation may not be expended unless for every two dollars to be expended from this appropriation at least one dollar is spent from privately raised funds, contributions of real property or interest in real property, or services necessary to achieve the purpose of this subsection.

Reappropriation:	
Conservation Area Acct \$	280,000
Prior Biennia (Expenditures) \$	5,191,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	5,471,000

(3) Woodard Bay natural resource conservation area fencing development (90-3-103)

	Reappropriation:		
	St Bldg Constr Acct	\$	170,000
	Prior Biennia (Expenditures)	\$	100,000
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	270,000
(4)	Dishman Hills protection development (90-3-104)		
	Reappropriation:		
	St Bldg Constr Acct	\$	70,000
	Prior Biennia (Expenditures)	\$	50,000
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	120,000
(5)	Natural area preserves management (90-3-105)		
	Reappropriation:		
	St Bldg Constr Acct	\$	55,000
	Prior Biennia (Expenditures)	\$	95,000
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	150,000
(6)	Construct and improve recreation sites (90-5-201)		
	Reappropriation:		
	St Bldg Constr Acct	\$	170,000
	Prior Biennia (Expenditures)	\$	320,000
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	490,000
(7)	Seattle waterfront, phase 1 development (90-5-202)		
	Reappropriation:		
	ORA-State	\$	749,000
	Prior Biennia (Expenditures)	\$	1,000
	Future Biennia (Projected Costs) . . .	\$	750,000
	TOTAL	\$	1,500,000
(8)	Woodard Bay health and safety development (90-5-203)		
	Reappropriation:		
	St Bldg Constr Acct	\$	70,000
	Prior Biennia (Expenditures)	\$	200,000
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	270,000

(9)	Long Lake, phase 2 development (90-5-204)		
	Reappropriation:		
	ORV Acct	\$	140,000
	ORA-State	\$	140,000
			<hr/>
	Subtotal Reappropriation . . .	\$	280,000
	Prior Biennia (Expenditures)	\$	185,000
	Future Biennia (Projected Costs) . . .	\$	0
			<hr/>
	TOTAL	\$	465,000
(10)	Underground storage tanks (92-1-103)		
	Appropriation:		
	Forest Development Acct	\$	147,000
	Res Mgmt Cost Acct	\$	472,000
	St Bldg Constr Acct	\$	181,000
			<hr/>
	Subtotal Appropriation	\$	800,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	1,960,000
			<hr/>
	TOTAL	\$	2,760,000
(11)	State-wide emergency repairs (92-1-104)		
	Appropriation:		
	Forest Development Acct	\$	14,300
	Res Mgmt Cost Acct	\$	53,700
	St Bldg Constr Acct	\$	32,000
			<hr/>
	Subtotal Appropriation	\$	100,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	200,000
			<hr/>
	TOTAL	\$	300,000
(12)	Environmental protection (92-1-105)		
	Appropriation:		
	Forest Development Acct	\$	113,200
	Res Mgmt Cost Acct	\$	232,800
	St Bldg Constr Acct	\$	154,000
			<hr/>
	Subtotal Appropriation	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	607,700
			<hr/>
	TOTAL	\$	1,107,700

- (13) Office expansion: To complete office expansion projects, including design and construction for expanding the southwest region office (92-1-106), and design and construction for expanding the northwest region office (92-1-102)

Appropriation:

Forest Development Acct	\$	479,300
Res Mgmt Cost Acct	\$	599,800
St Bldg Constr Acct	\$	471,000

Subtotal Appropriation	\$	1,550,100
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,548,100
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- (14) Minor works: Building and compound (92-1-107)

Appropriation:

Forest Development Acct	\$	111,700
Res Mgmt Cost Acct	\$	215,200
St Bldg Constr Acct	\$	158,500

Subtotal Appropriation	\$	485,400
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,333,400

TOTAL	\$	2,818,800
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- (15) Facilities: Small repairs and improvements (92-1-108)

Appropriation:

Forest Development Acct	\$	21,800
Res Mgmt Cost Acct	\$	53,300
St Bldg Constr Acct	\$	25,000

Subtotal Appropriation	\$	100,100
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	194,000

TOTAL	\$	294,100
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- (16) Emergency repairs recreation sites (92-1-206)

Appropriation:

St Bldg Constr Acct	\$	100,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	200,000

TOTAL	\$	300,000
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- (17) Environmental clean-up: Trust and forest board lands (92-1-404)

Appropriation:

Forest Development Acct	\$	150,000
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	Res Mgmt Cost Acct	\$	350,000
	Subtotal Appropriation	\$	500,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,000,000
	TOTAL	\$	1,500,000
(18)	Right of way acquisitions (92-2-401)		
	Appropriation:		
	Forest Development Acct	\$	200,000
	Res Mgmt Cost Acct	\$	590,000
	Subtotal Appropriation	\$	790,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	1,035,000
	TOTAL	\$	1,825,000
(19)	Regional seedling cold storage (92-2-406)		
	Appropriation:		
	Forest Development Acct	\$	165,000
	Res Mgmt Cost Acct	\$	202,000
	Subtotal Appropriation	\$	367,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	367,000
	TOTAL	\$	734,000
(20)	Real estate property, small repairs and improvements (92-2-407)		
	Appropriation:		
	Res Mgmt Cost Acct	\$	390,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	780,000
	TOTAL	\$	1,170,000
(21)	Communication site repair and replacement (92-2-408)		
	Appropriation:		
	Forest Development Acct	\$	66,000
	Res Mgmt Cost Acct	\$	264,000
	Subtotal Appropriation	\$	330,000
	Prior Biennia (Expenditures)	\$	150,000
	Future Biennia (Projected Costs)	\$	600,000
	TOTAL	\$	1,080,000

(22)	Irrigation pipeline replacement (92-2-409)		
	Appropriation:		
	Res Mgmt Cost Acct	\$	595,000
	Prior Biennia (Expenditures)	\$	532,000
	Future Biennia (Projected Costs) . . .	\$	600,000
	TOTAL	\$	<u>1,727,000</u>
(23)	Roads and bridges (92-2-801)		
	Appropriation:		
	ORV Acct	\$	74,000
	Forest Development Acct	\$	90,000
	Res Mgmt Cost Acct	\$	200,000
	Subtotal Appropriation	\$	<u>364,000</u>
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	4,236,000
	TOTAL	\$	<u>4,600,000</u>
(24)	Natural area preserves protection (92-3-202)		
	Appropriation:		
	St Bldg Constr Acct	\$	119,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	300,000
	TOTAL	\$	<u>419,000</u>
(25)	Commercial development, local improvement district (92-3-402)		
	Appropriation:		
	Res Mgmt Cost Acct	\$	910,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	1,820,000
	TOTAL	\$	<u>2,730,000</u>
(26)	Emergency repairs: Irrigation (92-3-405)		
	Appropriation:		
	Res Mgmt Cost Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	400,000
	TOTAL	\$	<u>600,000</u>
(27)	Aquatic land enhancement grants (92-3-501)		
	Appropriation:		
	Aquatic Lands Acct	\$	3,020,000

	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	6,040,000

	TOTAL \$	9,060,000
(28)	Land bank (92-4-403)	
	Appropriation:	
	Res Mgmt Cost Acct \$	18,000,000
	Prior Biennia (Expenditures) \$	12,000,000
	Future Biennia (Projected Costs) . . . \$	36,000,000

	TOTAL \$	66,000,000
(29)	Irrigation development (92-2-410)	
	Appropriation:	
	Res Mgmt Cost Acct \$	609,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	2,167,000

	TOTAL \$	3,776,000
(30)	Construct and improve recreation sites (92-5-201)	
	Appropriation:	
	ORV Acct \$	325,000
	St Bldg Constr Acct \$	400,000
	ORA-State \$	450,000

	Subtotal Appropriation \$	1,175,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	1,600,000

	TOTAL \$	2,775,000
(31)	Cedar river dredging: For dredging of the delta where the Cedar river flows into Lake Washington, for the purpose of flood control and improved safety at Renton airport	
	The appropriation in this subsection is contingent upon a match of at least \$500,000 from nonstate sources. This appropriation does not imply any future state commitment to development, flood control or similar activities on the Cedar river.	
	Appropriation:	
	St Bldg Constr Acct \$	800,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	800,000
(32)	Mountains to Sound: For acquisition of forest land on Rattlesnake Ridge across Interstate 90 from the Mount Si natural resources conservation area, that when	

connected with other publicly owned land will help create a continuous green belt or corridor and recreation area from Snoqualmie Pass to the Puget Sound

The appropriation in this subsection shall be matched by \$3,500,000 in cash, land or other consideration from other sources provided for the same purpose. The acquired forest land shall be managed consistent with the purposes of chapter 79.71 RCW.

Appropriation:	
St Bldg Constr Acct	\$ 1,000,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0
TOTAL	\$ 1,000,000

(33) Garfield county antenna tower

The department of natural resources shall lease property to the Garfield county sheriff's office at not more than \$160 per month, to enable the sheriff to operate an antenna tower on the property."

NEW SECTION. Sec. 26. FOR THE PARKS AND RECREATION COMMISSION: TIMBERLAND PURCHASES AND COMMON SCHOOL PURCHASES

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided to the state parks and recreation commission ("commission") solely to acquire trust lands that have been identified by the department of natural resources ("department") as appropriate for state park use and development. Except as specifically otherwise provided in this section, the commission shall acquire the following parcels:

- (a) Lord Hill, in Snohomish county, west of Monroe;
 - (b) Beacon Rock, in Skamania county, adjacent to Beacon Rock State Park;
 - (c) Larrabee Addition, (1 and 2) in Whatcom county, northeast of Larrabee State Park and Chuckanut Mountain;
 - (d) South Whidbey, in Island county, adjacent to South Whidbey State Park;
 - (e) Wallace Falls Addition, in Snohomish county, adjacent to Wallace Falls State Park;
 - (f) Soleduck corridor, in Clallam county, on the Soleduck river at Sappho;
 - (g) Dugualia Bay property, in Island county, on the northeast shore of Whidbey Island;
 - (h) Rasar property, in Skagit county, west of Birdsvie, near the Skagit river;
 - (i) Wallace Falls Addition (Northwest) property, in Snohomish county, adjacent to the northwestern side of the designated park property;
 - (j) Wallace Falls Addition (Southwest) property, in Snohomish county, adjacent to the southwestern side of Wallace Falls State Park;
 - (k) Hoypus Hill in Island county south of Hoypus Point Natural Forest Area at Deception Pass State Park;
 - (l) Lake Easton in Easton in Kittitas county west of Lake Easton State park near the town of Easton;
 - (m) Diamond Point, in Clallam county, on the Strait of Juan de Fuca; and
 - (n) Skykomish river property, along Highway 2, near Index.
- (2) The commission may expend moneys from this appropriation for acquisition of the Skykomish river property under subsection (1)(n) of this section

only to the extent that moneys remain available after the commission has made all reasonable efforts to acquire the other properties identified in this subsection.

(3) To achieve the purposes of this section, intergrant exchanges between common school trust lands and parcels of noncommon school trust lands shall occur on an equal-value basis.

(4) Proceeds from the transfer of the timber shall be deposited by the department in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The proceeds from the transfer of the land shall be used by the department to acquire timber land of equal value to be managed as common school trust land and to maintain a sustainable yield.

(5) The department shall attempt to maintain an aggregate ratio of approximately 85:15 timber-to-land value in these transactions. If the aggregate value of timber-to-land varies by more than plus or minus five percent of that ratio, individual land acquisitions may be dropped in order to maintain the approximate ratio.

(6) It is the intent of the legislature that, insofar as feasible, the full parcels identified in subsection (1) of this section be acquired for park purposes. However, to the extent authorized by the commission, the boundaries of the Diamond Point property under subsection (1)(m) of this section may vary from the property boundaries as described in the joint study conducted by the commission and the department under section 4, chapter 163, Laws of 1985.

Appropriation:

St Bldg Constr Acct	\$	50,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	50,000,000

NEW SECTION. Sec. 27. FOR THE STATE CONVENTION AND TRADE CENTER

(1) Project reserves and contingencies (89-5-001)

Reappropriation:

State Convention and Trade Center Acct	\$	1,430,734
Prior Biennia (Expenditures)	\$	1,569,266
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,000,000

(2) Conversion of retail space to meeting rooms (89-5-002)

Reappropriation:

State Convention and Trade Center Acct	\$	3,500,000
Prior Biennia (Expenditures)	\$	1,697,364
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,197,364

(3) Expansion of the 900 level (89-5-003)

	Reappropriation:		
	State Convention and		
	Trade Center Acct	\$	3,500,000
	Prior Biennia (Expenditures)	\$	5,316,580
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	8,816,580
(4)	Eagles Building and exterior cleanup (89-5-005)		
	Reappropriation:		
	State Convention and		
	Trade Center Acct	\$	287,000
	Prior Biennia (Expenditures)	\$	13,000
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	300,000
(5)	Develop low-income housing (90-5-001)		
	Reappropriation:		
	State Convention and		
	Trade Center Acct	\$	650,000
	Prior Biennia (Expenditures)	\$	150,000
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	800,000

"PART 4
TRANSPORTATION"

NEW SECTION. Sec. 28. FOR THE DEPARTMENT OF TRANSPORTATION

(1)	Acquisition of dredge spoils sites (83-1-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	200,000
	Prior Biennia (Expenditures)	\$	3,277,162
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	3,477,162
(2)	Toutle river retention dam (87-1-001)		
	Reappropriation:		
	St Bldg Constr Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	10,722,118
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	11,222,118
(3)	Essential rail assistance (90-1-001)		

The reappropriation in this subsection is provided solely for distribution to county rail districts and port districts for capital expenditures for the purposes of acquiring, maintaining, or improving branch lines as authorized by chapter 47.76 RCW. The reappropriation in this subsection shall not be used for operating expenses of rail systems, programs, or services.

Reappropriation:

ESS Rail Assis Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	200,000
Future Biennia (Projected Costs)	\$	2,000,000

TOTAL	\$	3,200,000

(4) Essential rail banking (90-1-002)

(a) The reappropriation in this subsection is provided solely for the purchase of unused rail rights of way as authorized by chapter 47.76 RCW and shall not be used for operating expenses of rail systems, programs, or services.

(b) Expenditures shall not be made until the department consults with the chairs and ranking minority members of the house of representatives and senate transportation committees, house of representatives capital facilities committee, and senate ways and means committee, concerning specific railroad rights of way that the department proposes to acquire or assist local governments in acquiring, and as required by chapter 43, Laws of 1990.

(c) The appropriation in this subsection is provided solely to acquire the Stampede Pass rail line and right of way and is subject to the following conditions and limitations:

(i) The department of transportation is directed to negotiate an agreement with the city of Tacoma for the purchase by one or both parties of the rail line and right of way in anticipation of the carrier filing for abandonment. The department shall reimburse the state building construction account with moneys received under the agreement from the city of Tacoma and the reimbursed moneys shall lapse. The amount to be paid by the city of Tacoma under the agreement shall represent the value of that portion of the rail line and right of way lying within the city's Green river watershed, as determined by appraisal by the department.

(ii) The department shall not expend this appropriation unless the carrier has filed for abandonment or the department and the carrier have agreed on a purchase price prior to an abandonment filing.

(iii) If the filing of an abandonment application by the carrier precedes the execution of an agreement between the department and the city of Tacoma, the department is directed to purchase the rail line on behalf of the state's and city of Tacoma's interest.

(iv) It is the intent of the legislature that, when Interstate Commerce Commission regulations allow, the department shall sell an interest or fee title to the city of Tacoma for that portion of the rail line and right of way lying with the city's Green river watershed. The first \$2,100,000 of the proceeds from the sale shall be deposited in the state building construction account and any additional amount shall be deposited one-third in the essential rail banking account and two-thirds in the state motor vehicle fund. The agreement shall ensure that joint corridor use requirements of the state and the city are met including the protection of the Green river watershed.

(v) This appropriation is contingent upon an appropriation of an additional \$2,000,000 being provided in the omnibus transportation appropriations act,

Reengrossed Substitute House Bill No. 1231 for the department of transportation to acquire the Stampede Pass rail line and/or right of way.

(vi) This appropriation shall not be used for operating expenses of rail systems, programs, or services.

Reappropriation:

ESS Rail Bank Acct	\$	1,100,000
Appropriation:		
St Bldg Constr Acct	\$	2,100,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	3,200,000

NEW SECTION. Sec. 29. FOR THE WASHINGTON STATE PATROL

- (1) Crime laboratory, Tacoma: To design and construct a new eight thousand-square foot crime lab facility in Tacoma, to be co-located with the Washington State Patrol/Department of Licensing District headquarters (92-1-008)

The appropriation in this section shall not be expended for consolidation of laboratory services currently being performed in the Kelso and Kennewick crime laboratories.

Appropriation:

St Bldg Constr Acct	\$	2,017,000
Prior Biennia (Expenditures)	\$	20,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,037,000

- (2) Spokane crime laboratory: For safety enhancements (92-1-008)

Appropriation:

St Bldg Constr Acct	\$	192,000
Prior Biennia (Expenditures)	\$	4,500
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	196,500

- (3) Headquarters: Design a new headquarters facility in Olympia (90-2-040)

Appropriation:

WSP Highway Acct	\$	3,400,000
Prior Biennia (Expenditures)	\$	250,000
Future Biennia (Projected Costs)	\$	45,323,000
TOTAL	\$	48,973,000

- (4) Everett district headquarters--Crime laboratory (90-2-018)

Reappropriation:

St Bldg Constr Acct	\$	455,000
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Prior Biennia (Expenditures) \$	15,000
Future Biennia (Projected Costs) . . . \$	0

TOTAL \$	470,000

"PART 5
EDUCATION"

NEW SECTION. Sec. 30. FOR THE STATE BOARD OF EDUCATION

The appropriations in subsections (1) through (9) of this section are subject to the following condition and limitation: Total cash disbursed from the common school construction fund may not exceed the available cash balance.

(1)	Public school building construction (79-3-002)		
	Reappropriation:		
	Common School Constr Fund . . \$		500
	Prior Biennia (Expenditures) \$		0
	Future Biennia (Projected Costs) . . . \$		0

	TOTAL \$		500
(2)	Public school building construction (83-3-001)		
	Reappropriation:		
	Common School Constr Fund . . \$		110,000
	Prior Biennia (Expenditures) \$		490,000
	Future Biennia (Projected Costs) . . . \$		0

	TOTAL \$		600,000
(3)	Public school building construction (86-4-001)		
	Reappropriation:		
	Common School Constr Fund . . . \$		1,100,000
	Prior Biennia (Expenditures) \$		1,400,000
	Future Biennia (Projected Costs) . . . \$		0

	TOTAL \$		2,500,000
(4)	Public school building construction (86-4-008)		
	Reappropriation:		
	Common School Constr Fund . . . \$		70,000
	Prior Biennia (Expenditures) \$		75,298
	Future Biennia (Projected Costs) . . . \$		0

	TOTAL \$		145,298
(5)	Public school building construction (88-2-001)		
	Reappropriation:		
	Common School Constr Fund . . . \$		4,000,000

	Prior Biennia (Expenditures) \$	61,328,022
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	65,328,022
(6)	Public school building construction (89-2-004)	
	Reappropriation:	
	Common School Constr Fund . . \$	80,000
	Prior Biennia (Expenditures) \$	2,920,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	3,000,000
(7)	Public school building construction (90-2-001)	
	Reappropriation:	
	Common School Constr Fund . . \$	156,000,000
	Prior Biennia (Expenditures) \$	252,527,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	408,527,000
(8)	Public school building construction (91-2-001)	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) A maximum of \$1,200,000 may be spent for state administration of school construction funding.

(b) A maximum of \$225,000 may be expended for two full-time equivalent field staff with construction/architectural experience to assist in evaluating project requests and reviewing information reported by school districts.

(c) A maximum of \$100,000 may be expended for development of a new priority system pursuant to (f) of this subsection.

(d) Funding for common school construction and modernization is provided for projects approved for state assistance by the state board as of January 26, 1991. Of the funds available for obligation by the state board after state administration costs and after the costs incurred under (b) and (c) of this subsection, fifty-eight percent is provided solely for approved new construction projects to serve unhoused students, four percent is provided solely for approved condemnation projects, and thirty-four percent is provided solely for approved modernization projects. The remaining funds shall be allocated at the discretion of the state board.

(e) Projects approved for state assistance by the state board after January 26, 1991, pursuant to WAC 180-25-040, shall be placed on a new priority system developed by the state board pursuant to (f) of this subsection.

(f)(i) The state board shall develop a new priority system for allocating state assistance for school construction and modernization projects. The priority system shall include evaluation of projects according to objective criteria established by the state board and a process for review of data submitted by school districts. In developing the system and the criteria, the state board shall consider the following factors: Type of space requested; current space availability, age, and condition; cost benefit considerations of new construction as compared to modernization; impacts of

maintenance on the condition of facilities; impacts of delay of receipt of state assistance; and short and long-range demographic projections.

(ii) The state board shall present a progress report and implementation plan to the governor and the appropriate fiscal committees of the legislature by February 15, 1992.

(g) The common school reimbursable construction account appropriation in this section serves as compensation to the common school construction fund for any obligation owed the fund as a result of vocational technical institutes being transferred from the authority of a local school district and the superintendent of public instruction to the state board for community and technical colleges as directed by chapter 238, Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, workforce training and education).

Appropriation:

Common School Constr Fund . . . \$	135,500,000
Common School Reimb Constr Acct \$	120,000,000

Subtotal Appropriation \$	255,500,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	350,000,000

TOTAL \$	605,500,000

(9) Public school building construction (91-2-001)

The appropriation in this subsection is subject to the following conditions and limitations:

(a) This appropriation is subject to all conditions and limitations contained in subsection (8) of this section.

(b) The department of natural resources shall by September 1, 1991, adopt rules to replace the rules adopted by the governor's office to implement the federal forest resources conservation and shortage relief act of 1990. The rules proposed to be adopted by the department shall: (i) Carry out the federal law; (ii) minimize economic impact on the state trusts; (iii) provide a fair system to all elements of the timber industry, treating all elements with equity; (iv) provide for and allow the largest number of bidders for state timber.

(c) The department of revenue and the department of natural resources shall jointly prepare an enforcement plan for the federal forest resources conservation and shortage relief act.

(d) The department of natural resources and the department of revenue shall report to the legislature quarterly beginning July 1, 1991, on the impact of the federal forest resources conservation and shortage relief act of 1990 on the state trust land. The department of natural resources and the department of revenue shall as part of the quarterly report recommend interim measures to reduce the negative impacts of the federal act.

(e) The department of natural resources and the department of revenue shall jointly prepare a cost estimate of carrying out the federal forest resources conservation and shortage relief act of 1990 and shall submit a report to the legislature with this cost estimate by December 1, 1991.

Appropriation:

Common School Constr Fund . . . \$	21,000,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	21,000,000

NEW SECTION. Sec. 31. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

When the transfer of the vocational-technical institutes to the jurisdiction of the state board for community and technical colleges under chapter 238, Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, workforce training and education) takes effect, remaining balances in the appropriations in this section shall be transferred to the state board for community and technical colleges.

(1) Clover Park Vocational Technical Institute business education complex renovation (91-2-001)

Appropriation:		
St Bldg Constr Acct	\$	2,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,500,000

(2) Bellingham Vocational Technical Institute student services and administration offices renovation (91-3-002)

Appropriation:		
St Bldg Constr Acct	\$	1,612,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,612,000

(3) Lake Washington Vocational Technical Institute: For the administrative addition, classroom space, and aerospace laboratory

Expenditures from the appropriation in this subsection shall be reduced by any amount spent for the same purpose from the common school construction fund.

Appropriation:		
St Bldg Constr Acct	\$	5,800,000
Prior Biennia (Expenditures)	\$	4,316,645
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	10,116,645

(4) Renton Vocational Technical Institute: For a business technology building

Expenditures from the appropriation in this subsection shall be reduced by any amount spent for the same purpose from the common school construction fund.

Appropriation:		
St Bldg Constr Acct	\$	3,985,000

Prior Biennia (Expenditures)	\$	443,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,428,000

NEW SECTION, Sec. 32. FOR THE STATE SCHOOL FOR THE BLIND

- | | | | |
|-----|---|----|---------|
| (1) | Demolish Richardson Hall (92-1-001) | | |
| | Appropriation: | | |
| | St Bldg Constr Acct | \$ | 255,149 |
| | Prior Biennia (Expenditures) | \$ | 0 |
| | Future Biennia (Projected Costs) | \$ | 0 |
| | | | ----- |
| | TOTAL | \$ | 255,149 |
| (2) | Demolish museum building (92-1-002) | | |
| | Appropriation: | | |
| | St Bldg Constr Acct | \$ | 255,149 |
| | Prior Biennia (Expenditures) | \$ | 0 |
| | Future Biennia (Projected Costs) | \$ | 0 |
| | | | ----- |
| | TOTAL | \$ | 255,149 |
| (3) | Elevator in administration building (92-1-003) | | |
| | Appropriation: | | |
| | St Bldg Constr Acct | \$ | 384,461 |
| | Prior Biennia (Expenditures) | \$ | 0 |
| | Future Biennia (Projected Costs) | \$ | 0 |
| | | | ----- |
| | TOTAL | \$ | 384,461 |
| (4) | Automatic door: Kennedy Building (92-1-007) | | |
| | Appropriation: | | |
| | St Bldg Constr Acct | \$ | 36,020 |
| | Prior Biennia (Expenditures) | \$ | 0 |
| | Future Biennia (Projected Costs) | \$ | 0 |
| | | | ----- |
| | TOTAL | \$ | 36,020 |
| (5) | Reroof Ahlsten Cottage (92-2-004) | | |
| | Appropriation: | | |
| | St Bldg Constr Acct | \$ | 209,488 |
| | Prior Biennia (Expenditures) | \$ | 0 |
| | Future Biennia (Projected Costs) | \$ | 0 |
| | | | ----- |
| | TOTAL | \$ | 209,488 |
| (6) | Irwin School electrical and communications upgrade (92-2-005) | | |
| | Appropriation: | | |

	St Bldg Constr Acct	\$	92,141
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	92,141
(7)	Swimming pool renovation (92-2-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	162,990
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	162,990
(8)	Reroof Kennedy Building (92-2-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	369,791
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	369,791
	<u>NEW SECTION.</u> Sec. 33. FOR THE STATE SCHOOL FOR THE DEAF		
(1)	Building reroof: Devine High School (92-2-001)		
	Appropriation:		
	St Bldg Constr Acct	\$	581,119
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	581,119
(2)	Building reroof: Northrup Elementary School (92-2-002)		
	Appropriation:		
	St Bldg Constr Acct	\$	218,182
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	218,182
(3)	Building reroof: Clark Hall (92-2-003)		
	Appropriation:		
	St Bldg Constr Acct	\$	448,842
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) . . .	\$	0
	TOTAL	\$	448,842

(4)	Building reroof: McDonald Hall (92-2-004)		
	Appropriation:		
	St Bldg Constr Acct	\$	135,737
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	135,737
(5)	Building reroof: Deer Hall (92-2-005)		
	Appropriation:		
	St Bldg Constr Acct	\$	98,298
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	98,298
(6)	Replacement of outside doors at Devine High School, Northrup Primary, Deer Hall, McDonald Hall, and Dining Room (92-2-006)		
	Appropriation:		
	St Bldg Constr Acct	\$	71,624
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	71,624
(7)	Devine High School air conditioner (92-2-007)		
	Appropriation:		
	St Bldg Constr Acct	\$	26,834
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	26,834
(8)	Heating system repairs (92-2-008)		
	Appropriation:		
	St Bldg Constr Acct	\$	32,345
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	32,345
	NEW SECTION. Sec. 34. FOR THE UNIVERSITY OF WASHINGTON		
(1)	Safety: Fire code, PCB, and life safety (86-1-001)		
	Reappropriation:		
	UW Bldg Acct	\$	6,890,000
	Prior Biennia (Expenditures)	\$	2,298,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	9,188,000
(2)	Safety: Asbestos removal (86-1-002)		
	Reappropriation:		
	UW Bldg Acct	\$	4,900,000
	Prior Biennia (Expenditures)	\$	600,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,500,000
(3)	Minor works: Building renewal (86-1-004)		
	Reappropriation:		
	UW Bldg Acct	\$	6,200,000
	Prior Biennia (Expenditures)	\$	5,983,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	12,183,000
(4)	Health Science Center G Court, H Wing, and I Court addition (86-2-021) and H Wing renovation (88-2-015)		
	Reappropriation:		
	St Bldg Constr Acct	\$	43,508,000
	UW Bldg Acct	\$	3,500,000
	Subtotal Reappropriation	\$	47,008,000
	Prior Biennia (Expenditures)	\$	7,856,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	54,864,000
(5)	Minor works: Program renewal (86-3-005)		
	The reappropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.		
	Reappropriation:		
	UW Bldg Acct	\$	3,800,000
	Prior Biennia (Expenditures)	\$	9,540,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	13,340,000
(6)	Power plant boiler: To replace boiler number four with a gas and oil fixed boiler, including upgrades in the central heating plant (88-2-022)		

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct	\$	360,000
UW Bldg Acct	\$	240,000

Subtotal Reappropriation . . .	\$	600,000
Appropriation:		
St Bldg Constr Acct	\$	19,872,000
Prior Biennia (Expenditures)	\$	468,495
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	20,340,495

(7) K Wing addition (90-1-001)

The reappropriation in this subsection is provided from the proceeds of state general obligation bonds reimbursed from university indirect cost revenues from federal research grants and contracts pursuant to RCW 43.99H.020(18).

Reappropriation:		
H Ed Constr Acct	\$	45,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	45,000,000

(8) Emergency power generation (90-2-001)

Reappropriation:		
St Bldg Constr Acct	\$	10,500,000
Prior Biennia (Expenditures)	\$	610,000
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	11,110,000

(9) Physics: To construct and equip a new building for the physics and astronomy departments (90-2-009)

The project funded by the appropriations in this subsection shall be constructed on campus. The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	4,000,000
Appropriation:		
H Ed Reimb Constr Acct	\$	64,786,000
Prior Biennia (Expenditures)	\$	3,778,000
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	72,564,000

(10) Chemistry I: Design and construction (90-2-011)

The project funded by the reappropriation in this subsection shall be constructed on campus.

Reappropriation:

St Bldg Constr Acct	\$	37,200,000
Prior Biennia (Expenditures)	\$	1,952,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	39,152,000

- (11) Electrical engineering and computer science building: To complete the design of a replacement building for the departments of electrical engineering and computer science and engineering (90-2-013) (92-2-024)

The project funded by the appropriations in this subsection shall be constructed on campus. Other than for preplanning, the reappropriation shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

St Bldg Constr Acct	\$	3,450,000
Appropriation		
St Bldg Constr Acct	\$	1,147,000
Subtotal Appropriation	\$	5,597,000

Prior Biennia (Expenditures)	\$	661,000
Future Biennia (Projected Costs)	\$	93,500,000
TOTAL	\$	98,758,000

- (12) Electrical distribution system (88-1-011), power plant chiller (88-1-012), power plant stack replacement (88-1-023)

Reappropriation:

St Bldg Constr Acct	\$	830,000
UW Bldg Acct	\$	770,000
Subtotal Reappropriation	\$	1,600,000

Prior Biennia (Expenditures)	\$	7,539,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	9,139,000

- (13) Safety: Fire code, PCB, and life safety projects including: Cleanup of asbestos, compliance with federal regulations for PCB removal and contaminated soil, and life safety and fire code regulations (92-1-004)

Appropriation:

St Bldg Constr Acct	\$	10,640,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	33,333,000
TOTAL	\$	43,973,000

- (14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-1-005)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	3,525,000
UW Bldg Acct	\$	5,000,000

Subtotal Appropriation	\$	8,525,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	40,200,000

TOTAL	\$	48,725,000
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- (15) Communications Building Renovation (88-2-014)

Reappropriation:

St Bldg Constr Acct	\$	2,015,000
UW Bldg Acct	\$	1,167,000

Subtotal Reappropriation	\$	3,182,000
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Prior Biennia (Expenditures)	\$	3,555,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	6,737,000
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- (16) Nuclear reactor decommission: To design the removal and decontamination of the nuclear reactor on campus (92-1-022)

Appropriation:

St Bldg Constr Acct	\$	235,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	2,488,000

TOTAL	\$	2,723,000
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- (17) Kincaid basement: To build twenty-two thousand-square feet of basement space between the Kincaid Building and the new Physics Building (92-2-002)

Appropriation:

St Bldg Constr Acct	\$	3,314,000
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Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,314,000
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- (18) Physics Hall renovation, program: To complete the design for renovation of the existing Physics Hall (92-2-008)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	2,543,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	37,800,000
TOTAL	\$	40,343,000

(19) Chiller addition: To add one central power plant chiller unit (92-2-009)

Appropriation:

St Bldg Constr Acct	\$	2,459,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,459,000

(20) Data communications: To complete several data communications projects involving infrastructure, wiring, and building modifications (92-2-010)

Appropriation:

St Bldg Constr Acct	\$	2,700,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	2,700,000

(21) Electrical distribution: To upgrade the campus electrical distribution (92-2-012)

Appropriation:

St Bldg Constr Acct	\$	1,300,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,300,000

(22) Other utility projects: To remove and decontaminate underground storage tanks and other repair projects (92-2-013)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:

St Bldg Constr Acct	\$	460,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	20,000,000
TOTAL	\$	20,460,000

- (23) Comparative medicine facility: To construct an animal laboratory facility (92-2-017)

Appropriation:	
St Bldg Constr Acct	\$ 700,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 700,000

- (24) Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-3-006)

The appropriations in this subsection are provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:	
St Bldg Constr Acct	\$ 5,703,000
UW Bldg Acct	\$ 5,000,000

Subtotal Appropriation	\$ 10,703,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 40,250,000

TOTAL	\$ 50,953,000

- (25) Parrington Hall exterior: To repair the exterior of Parrington Hall (92-3-018)

Appropriation:	
UW Bldg Acct	\$ 1,759,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 1,759,000

- (26) Meany Hall exterior renovation: To replace the leaking exterior of Meany Hall (92-3-019)

The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:	
UW Bldg Acct	\$ 7,238,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 7,238,000

(27)	Denny Hall exterior repair: To repair and seismically improve the exterior of Denny Hall (92-3-020)		
	Reappropriation:		
	St Bldg Constr Acct	\$	215,000
	Appropriation:		
	UW Bldg Acct	\$	1,670,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,885,000

- (28) Fisheries II/utilities: To prepare plans for extending the utilities infrastructure to the west campus, constructing a new fisheries building, and replacing the facility for police and custodial units (92-2-027)

The appropriation in this subsection shall not be expended on design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

	Appropriation:		
	State Bldg Constr Acct	\$	1,850,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	91,528,000

	TOTAL	\$	93,378,000

- (29) Olympic Natural Resources Center

The appropriation in this subsection shall not be expended for design documents until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

	Appropriation:		
	St Bldg Constr Acct	\$	5,675,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	5,675,000

- (30) Employee day care facility--Preplanning

The appropriation in this subsection is provided solely for the purpose of acquiring, preparing, and operating a site for meeting the needs identified in the November 1987 child-care study conducted for the higher education coordinating board. In acquiring a site, the University shall make every effort to locate the child-care facility within a two-mile radius of the main Seattle campus and shall give a high priority to the use of buildings owned, but not used by, the Seattle school district.

	Appropriation:		
	St Bldg Constr Acct	\$	150,000
	Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	150,000

NEW SECTION. Sec. 35. FOR WASHINGTON STATE UNIVERSITY

(1) Science Hall renewal, phase 2 (86-1-006)

Reappropriation:	
H Ed Constr Acct \$	400,000
Prior Biennia (Expenditures) \$	10,804,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	11,204,000

(2) Minor capital improvements (90-1-001)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
WSU Bldg Acct \$	1,788,000
Prior Biennia (Expenditures) \$	3,212,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	5,000,000

(3) Minor capital renewal (90-1-002)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
St Bldg Constr Acct \$	1,950,000
Prior Biennia (Expenditures) \$	3,050,000
Future Biennia (Projected Costs) . . . \$	0
TOTAL \$	5,000,000

(4) Washington higher education telecommunications system: To convert one of two analog channels to digital (90-2-021)

Any expenditure under this reappropriation shall be consistent with the plan being developed by the department of information services for the 1991 legislative session for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

Reappropriation:	
WSU Bldg Acct \$	2,700,000
Prior Biennia (Expenditures) \$	55,000

	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	2,755,000
(5)	Land acquisition (Branch Campus) (90-5-002)	
	Reappropriation:	
	St Bldg Constr Acct \$	250,000
	Prior Biennia (Expenditures) \$	1,095,333
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	1,345,333
(6)	Tri-Cities University Center (90-5-901)	
	Reappropriation:	
	St Bldg Constr Acct \$	2,850,000
	Prior Biennia (Expenditures) \$	9,548,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	12,398,000
(7)	Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)	
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.	
	Appropriation:	
	WSU Bldg Acct \$	6,500,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	21,300,000
	TOTAL \$	27,800,000
(8)	Expansion of east campus substation: To provide an additional 15,000 KVA electrical power capacity to the existing east campus substation (92-1-015)	
	Reappropriation:	
	WSU Bldg Acct \$	525,100
	Appropriation:	
	WSU Bldg Acct \$	670,000
	Prior Biennia (Expenditures) \$	7,900
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	1,203,000
(9)	Smith Gym electrical system replacement: To replace the entire building-wide electrical system (92-1-017)	
	Reappropriation:	

WSU Bldg Acct	\$	638,300
Appropriation:		
WSU Bldg Acct	\$	542,000
Prior Biennia (Expenditures)	\$	9,700
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	1,190,000

- (10) Hazardous, pathological, and radioactive waste handling facilities: To provide centralized facilities to prepare, package, and ship biomedical, pathological, hazardous, low-level, and nonradioactive waste (92-1-019)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:		
WSU Bldg Acct	\$	21,700
Appropriation:		
St Bldg Constr Acct	\$	1,343,000
Prior Biennia (Expenditures)	\$	130,300
Future Biennia (Projected Costs)	\$	5,570,000
		<hr/>
TOTAL	\$	7,065,000

- (11) Asbestos removal: To remove asbestos contaminated fireproofing from the roof beams and support structures of the Coliseum (92-1-020)

The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.

Appropriation:		
WSU Bldg Acct	\$	1,513,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
		<hr/>
TOTAL	\$	1,513,000

- (12) Fulmer Hall: To design renovations of Fulmer Hall Annex to meet fire, safety, and handicap access code requirements and to make changes in functional use of space (92-1-023)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:		
St Bldg Constr Acct	\$	957,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	7,943,000
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TOTAL	\$	8,900,000

(13) Nuclear radiation center study (92-1-025)

Reappropriation:

WSU Bldg Acct	\$	13,400
Prior Biennia (Expenditures)	\$	39,600
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	53,000

(14) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-002)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:

St Bldg Constr Acct	\$	5,500,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	5,500,000

(15) Preplanning: To complete preplanning documents for the following projects: Engineering teaching-research building, animal sciences laboratory building, Thompson Hall renewal, Heald Hall renewal, Holland Library renewal, Bohler Gym addition/renewal, Kimbrough Hall addition, and classroom auditorium building (92-2-003)

The preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management.

Appropriation:

WSU Bldg Acct	\$	869,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	869,000

(16) Holland Library addition: To furnish and equip the library addition (92-2-012)

Reappropriation:

St Bldg Constr Acct	\$	29,500,000
WSU Bldg Acct	\$	48,600
Subtotal Reappropriation	\$	29,548,600

Appropriation:

St Bldg Constr Acct	\$	2,580,000
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Prior Biennia (Expenditures)	\$	4,992,400
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	37,121,000

- (17) Veterinary teaching hospital: To construct and furnish a new teaching hospital for the department of veterinary medicine and surgery (92-2-013)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	970,000
WSU Bldg Acct	\$	110,000

Subtotal Reappropriation . . .	\$	1,080,000
Appropriation:		
H Ed Reimb Constr Acct	\$	26,835,000
Prior Biennia (Expenditures)	\$	747,000
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	28,662,000

- (18) Child care facility: To design, construct, and furnish a child care facility by remodeling the vacated Rogers-Orton Dining Hall (92-2-014)

Appropriation:		
St Bldg Constr Acct	\$	2,171,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	2,171,000

- (19) Carpenter Hall completion (renewal): To complete the renovation of Carpenter Hall (92-2-016)

Reappropriation:		
H Ed Constr Acct	\$	500,000
Appropriation:		
WSU Bldg Acct	\$	810,000
Prior Biennia (Expenditures)	\$	6,289,715
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	7,599,715

- (20) Communication infrastructure renewal: To design and construct university-wide communications facilities for telephone, computer, and audio-visual services (92-2-018)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	10,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	10,000,000

- (21) Todd Hall renewal: To renovate the entire building, including upgrading electrical and other building-wide systems, modernizing and refurbishing of classrooms and offices (92-2-021)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:

WSU Bldg Acct	\$	37,000
Appropriation:		
St Bldg Constr Acct	\$	1,143,000
Prior Biennia (Expenditures)	\$	145,000
Future Biennia (Projected Costs)	\$	14,795,000

TOTAL	\$	16,120,000

- (22) Student services addition: To design and construct a building for consolidated student service functions (92-2-027)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:

St Bldg Constr Acct	\$	15,000,000
WSU Bldg Acct	\$	967,000

Subtotal Appropriation	\$	15,967,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	15,967,000

- (23) Records, maintenance materials storage, and recycling, phase 1: To construct a storage structure for inactive records, physical plant storage, and recycling storage (92-2-028)

Appropriation:

WSU Bldg Acct	\$	1,761,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0

TOTAL \$ 1,761,000

- (24) WHETS expansion: To add a fourth channel to the network that serves the Tri-Cities, Spokane, and Vancouver branch campuses, to add two classrooms in Pullman, Tri-Cities, and Vancouver, to add one classroom in Spokane, and to extend the network and add one classroom at the Tree Fruit Research and Extension Center in Wenatchee (92-2-908)

Any extension of educational telecommunications to the Wenatchee area shall be planned to allow for the possible future participation of multiple higher education institutions, especially those having direct program responsibility for the Wenatchee area. Implementation plans shall be approved by the higher education coordinating board, in conjunction with the department of information services.

Appropriation:
 WSU Bldg Acct \$ 2,321,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) ... \$ 0
 TOTAL \$ 2,321,000

- (25) Dairy and forage facility: To design and construct a facility that includes a new dairy center and milking parlor, a freestall building, and offices and classrooms (92-3-024)

Appropriation:
 WSU Bldg Acct \$ 2,714,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) ... \$ 0
 TOTAL \$ 2,714,000

- (26) Chilled water storage facility: To design and construct a 2,820,000-gallon chilled water storage tank (92-4-022)

Appropriation:
 St Bldg Constr Acct \$ 2,850,000
 Prior Biennia (Expenditures) \$ 0
 Future Biennia (Projected Costs) ... \$ 0
 TOTAL \$ 2,850,000

NEW SECTION. Sec. 36. FOR EASTERN WASHINGTON UNIVERSITY

- (1) Math, science, and technology: To design the remodeling of Sutton Hall for offices and classroom space (81-2-002)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:
 St Bldg Constr Acct \$ 141,000
 Appropriation:
 St Bldg Constr Acct \$ 150,000

Prior Biennia (Expenditures)	\$	91,000
Future Biennia (Projected Costs)	\$	4,850,000

TOTAL	\$	5,232,000

- (2) Science building addition and heating, ventilation, and air conditioning: To complete the remodeling of the existing science building (83-1-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	7,000,000
Appropriation:		
St Bldg Constr Acct	\$	7,780,000
Prior Biennia (Expenditures)	\$	6,255,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	21,035,000

- (3) Electrical system renewal (86-1-002)

Reappropriation:		
St Bldg Constr Acct	\$	890,000
Prior Biennia (Expenditures)	\$	1,894,000
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,784,000

- (4) Roof replacement: To replace roofs for the following buildings: Science, physical education activities, music, radio television center, theater, and Reid school (86-1-003)

Reappropriation:		
St Bldg Constr Acct	\$	213,000
Appropriation:		
EWU Cap Proj Acct	\$	1,000,000
Prior Biennia (Expenditures)	\$	985,000
Future Biennia (Projected Costs)	\$	1,500,000

TOTAL	\$	3,698,000

- (5) Minor capital improvements (86-1-010)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
EWU Cap Proj Acct	\$	1,100,000
Prior Biennia (Expenditures)	\$	3,363,000

	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	4,463,000
(6)	Small repairs projects (86-1-011)	
	Reappropriation:	
	EWU Cap Proj Acct \$	422,000
	Prior Biennia (Expenditures) \$	1,107,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	1,529,000
(7)	Energy conservation (86-2-006)	
	Reappropriation:	
	St H Ed Constr Acct \$	200,000
	Prior Biennia (Expenditures) \$	554,000
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	754,000
(8)	Life and safety code compliance, asbestos: To continue removal of asbestos on a phased basis (88-1-001)	
	The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.	
	Appropriation:	
	EWU Cap Proj Acct \$	850,000
	Prior Biennia (Expenditures) \$	1,283,000
	Future Biennia (Projected Costs) . . . \$	2,500,000
	TOTAL \$	4,633,000
(9)	Fire suppression: To install fire suppression systems throughout the campus (88-1-005)	
	Reappropriation:	
	St Bldg Constr Acct \$	30,000
	Appropriation:	
	EWU Cap Proj Acct \$	850,000
	Prior Biennia (Expenditures) \$	496,000
	Future Biennia (Projected Costs) . . . \$	1,700,000
	TOTAL \$	3,076,000
(10)	Telecommunications, cable replacement: To replace the existing system with a complete data/video network (90-2-004)	
	Reappropriation:	
	EWU Cap Proj Acct \$	850,000
	Appropriation:	
	St Bldg Constr Acct \$	2,000,000

	Prior Biennia (Expenditures) \$	230,000
	Future Biennia (Projected Costs) . . . \$	1,000,000

	TOTAL \$	4,080,000
(11)	Seventh Street replacement (90-3-001)	
	Reappropriation:	
	EWU Cap Proj Acct \$	338,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	338,000
(12)	Minor capital renewal (90-3-002)	
	Reappropriation:	
	EWU Cap Proj Acct \$	1,150,000
	Prior Biennia (Expenditures) \$	17,000
	Future Biennia (Projected Costs) . . . \$	0

	TOTAL \$	1,167,000
(13)	Kennedy Library addition and heating, ventilation, and air conditioning (90-5-003)	
	Reappropriation:	
	EWU Cap Proj Acct \$	56,000
	Prior Biennia (Expenditures) \$	109,000
	Future Biennia (Projected Costs) . . . \$	1,200,000

	TOTAL \$	1,365,000
(14)	Minor capital improvements: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-1-001)	
	The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget, except that \$125,000 may be used to acquire property from the Department of Natural Resources.	
	Appropriation:	
	EWU Cap Proj Acct \$	2,200,000
	Prior Biennia (Expenditures) \$	0
	Future Biennia (Projected Costs) . . . \$	4,400,000

	TOTAL \$	6,600,000
(15)	Small repair projects: To complete small repair projects costing less than \$25,000 (92-1-002)	
	Appropriation:	
	EWU Cap Proj Acct \$	1,000,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	2,000,000

TOTAL	\$	3,000,000

- (16) Underground storage tanks, code compliance: To remove and/or replace underground storage tanks under EPA requirements (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:		
EWU Cap Proj Acct	\$	250,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	250,000

- (17) Minor capital renewal: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-3-004)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:		
St Bldg Constr Acct	\$	2,000,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	3,000,000

TOTAL	\$	5,000,000

- (18) Eastern Washington University Spokane Center: To provide fire egress and remodel the interior areas

Appropriation:		
EWU Cap Proj Acct	\$	1,200,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	1,200,000

NEW SECTION. Sec. 37. FOR CENTRAL WASHINGTON UNIVERSITY

- (1) Handicap modifications (88-1-007)

Reappropriation:		
CWU Cap Proj Acct	\$	150,000
Prior Biennia (Expenditures)	\$	565,000
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	715,000

(2)	Psychology animal research facility (90-1-060)		
	Reappropriation:		
	St Bldg Constr Acct	\$	1,700,000
	Prior Biennia (Expenditures)	\$	447,000
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,147,000
(3)	Telecommunications system, phase 2 (90-2-003)		
	Reappropriation:		
	CWU Cap Proj Acct	\$	1,182,000
	Prior Biennia (Expenditures)	\$	261,600
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,443,600
(4)	Shaw/Smyser Hall remodel (90-2-005)		
	The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.		
	Reappropriation:		
	St Bldg Constr Acct	\$	2,406,000
	CWU Cap Proj Acct	\$	950,000
	Subtotal Reappropriation	\$	3,356,000
	Appropriation:		
	H Ed Reimb Constr Acct	\$	7,027,000
	Prior Biennia (Expenditures)	\$	349,900
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	10,732,900
(5)	Life and safety: To complete minor projects that correct code violations and hazards (92-1-030)		
	Reappropriation:		
	St Bldg Constr Acct	\$	700,000
	Appropriation:		
	CWU Cap Proj Acct	\$	500,000
	Prior Biennia (Expenditures)	\$	1,989,482
	Future Biennia (Projected Costs)	\$	1,000,000
	TOTAL	\$	4,189,482
(6)	Asbestos and PCB abatement: To remove asbestos and PCB contaminated materials and replace with nonhazardous materials (92-1-040)		

The appropriation in this subsection may be expended only after compliance with section 6(3) of this act.

Appropriation:	
CWU Cap Proj Acct	\$ 750,000
Prior Biennia (Expenditures)	\$ 500,000
Future Biennia (Projected Costs)	\$ 350,000

TOTAL	\$ 1,600,000

- (7) Barge Hall renovation: To complete the construction phase of the Barge Hall renovation (92-2-001)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 150,000
Appropriation:	
St Bldg Constr Acct	\$ 10,465,000
Prior Biennia (Expenditures)	\$ 450,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 11,065,000

- (8) Dean Science Building remodel and annex construction: To complete program preplanning documents for remodeling Dean Science Building and constructing an annex (92-2-002)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 193,500
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 17,608,000

TOTAL	\$ 17,801,500

- (9) Chilled water expansion: To extend the cooling system to additional buildings (92-2-004)

Appropriation:	
St Bldg Constr Acct	\$ 800,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,600,000

TOTAL	\$ 2,400,000

- (10) Minor capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-2-050)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
CWU Cap Proj Acct	\$ 2,113,000
Appropriation:	
CWU Cap Proj Acct	\$ 3,791,000
Prior Biennia (Expenditures)	\$ 3,673,000
Future Biennia (Projected Costs)	\$ 6,978,000

TOTAL	\$ 16,555,000

- (11) Electrical cable replacement: To partially replace the underground high voltage system (92-3-003)

Appropriation:	
CWU Cap Proj Acct	\$ 800,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 1,700,000

TOTAL	\$ 2,500,000

- (12) Nicholson Pavilion and athletic facilities remodel: To upgrade the pavilion's skylight, pool, gymnasium floor, locker rooms, and field and track surfaces

Appropriation:	
CWU Cap Proj Acct	\$ 1,170,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,170,000

- (13) Steamline phase II: To combine energy-related projects

Reappropriation:	
CWU Cap Proj Acct	\$ 828,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 828,000

NEW SECTION. Sec. 38. FOR THE EVERGREEN STATE COLLEGE

- (1) Failed systems (90-2-001)

Reappropriation:	
St Bldg Constr Acct	\$ 331,800
Prior Biennia (Expenditures)	\$ 212,270
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 544,070

- (2) Failed systems: Exterior building reseal and campus activity building settling and deck recaulk

Reappropriation:

St Bldg Constr Acct	\$	53,000
Prior Biennia (Expenditures)	\$	192,000
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	245,000

- (3) Lab annex remodel, metal and wood support shops: To provide a consolidated wood/metal studio in the visual arts program area (90-5-008)

Appropriation:

St Bldg Constr Acct	\$	972,100
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	972,100

- (4) Life and safety and code compliance: To complete minor projects that correct code violations and hazards (92-1-001)

Appropriation:

St Bldg Constr Acct	\$	1,766,500
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	1,766,500

- (5) Underground storage tank replacement, phase 1: To replace six single-wall tanks with four double-wall lined tanks (92-1-003)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:

St Bldg Constr Acct	\$	120,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	120,000

- (6) Minor works, failed systems: To complete minor projects costing under \$500,000 that renew or bring campus facilities into code compliance (92-2-004)

Appropriation:

St Bldg Constr Acct	\$	967,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs)	\$	0
TOTAL	\$	967,000

- (7) Minor works, academics and program support: To complete minor remodeling projects costing under \$500,000 that improve space usage and make repairs for specific campus programs or buildings (92-2-009)
- | | |
|--|------------|
| Appropriation: | |
| St Bldg Constr Acct | \$ 956,000 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 956,000 |
- (8) Small repairs and improvements: To complete small repair projects costing less than \$25,000 (92-2-010)
- | | |
|--|------------|
| Appropriation: | |
| TESC Cap Proj Acct | \$ 185,000 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 185,000 |
- (9) Emergency repairs: To repair unforeseen breakdowns in building and utility systems (92-2-011)
- | | |
|--|------------|
| Appropriation: | |
| TESC Cap Proj Acct | \$ 162,000 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 162,000 |
- (10) Heat, ventilation, and air conditioning repairs: To identify and repair problems in the heating, ventilation, and air conditioning systems in five buildings (92-3-006)
- | | |
|--|------------|
| Appropriation: | |
| St Bldg Constr Acct | \$ 430,000 |
| Prior Biennia (Expenditures) | \$ 0 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 430,000 |

NEW SECTION. Sec. 39. FOR WESTERN WASHINGTON UNIVERSITY

- (1) Construct and equip science facility, phase 1 (90-1-001)
- | | |
|--|---------------|
| Reappropriation: | |
| St Bldg Constr Acct | \$ 20,300,000 |
| Prior Biennia (Expenditures) | \$ 1,630,700 |
| Future Biennia (Projected Costs) | \$ 0 |
| TOTAL | \$ 21,930,700 |

(2)	Science facility, phase 2 (design) (90-1-005)		
	Reappropriation:		
	St Bldg Constr Acct	\$	780,000
	Prior Biennia (Expenditures)	\$	107,300
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	887,300

(3)	Institute of Wildlife Toxicology (90-2-003)		
	Reappropriation:		
	WWU Cap Proj Acct	\$	744,000
	Prior Biennia (Expenditures)	\$	756,000
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	1,500,000

(4) Construct and equip science facility, phase 2: To construct a new science building for biology, including classrooms, laboratories, and faculty offices (92-1-007)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

	Appropriation:		
	St Bldg Constr Acct	\$	21,374,300
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0

	TOTAL	\$	21,374,300

(5) Science facility, phase 3: To complete the design for a new science building for the science education program, including lecture halls for all university science programs (92-1-008)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

	Appropriation:		
	St Bldg Constr Acct	\$	707,500
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	9,371,400

	TOTAL	\$	10,078,900

(6) Minor works capital projects: To complete minor projects costing under \$500,000 that renew campus facilities or remodel specific areas (92-1-022)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for

computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:	
WWU Cap Proj Acct	\$ 2,500,000
Appropriation:	
WWU Cap Proj Acct	\$ 7,500,000
Prior Biennia (Expenditures)	\$ 7,807,465
Future Biennia (Projected Costs) . . .	\$ 12,000,000

TOTAL	\$ 29,807,465

- (7) Land acquisition: To acquire additional land on the northern and southern campus boundaries and moorage facilities at Shannon Point Marine Center (92-3-021)

Appropriation:	
St Bldg Constr Acct	\$ 1,450,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 1,450,000

NEW SECTION. Sec. 40. FOR THE STATE LIBRARY

- (1) Library for the blind and physically handicapped planning (90-5-001)

The reappropriation in this section is provided solely to develop a plan for an alternative facility for the library for the blind and physically handicapped. The plan may anticipate that the state will contribute funds for a building to be owned and managed by the city of Seattle, in exchange for permanent rent-free space for library services for the blind and physically handicapped. The department of general administration, in cooperation with the state library, shall provide support for an analysis of facilities options and development of construction plans by the city of Seattle and the Seattle public library. The plan developed under this section shall include the recommendations of the department of general administration and the state library with respect to state participation in the project. If appropriate, the analysis may include consideration of alternatives to construction of a city-owned building, such as the purchase or lease of an existing facility. The plan shall address the interests of both the city and the state, how the facility will be used and managed, costs, and timing of the project. The plan shall be submitted to the governor and the legislature by December 1, 1991.

Reappropriation:	
General Fund-State	\$ 75,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs) . . .	\$ 0

TOTAL	\$ 75,000

NEW SECTION. Sec. 41. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

- (1) Union Station: To design and construct a new exhibit center at Union Station (90-5-005)

(a) The Washington state historical society shall report to the appropriate committees of the legislature by November 1, 1992, on its plans to phase in installation of exhibitry and on its efforts to secure additional funding from nonstate sources for exhibitry and other components of the project.

(b) It is the intent of the legislature: That a portion of exhibitry costs be used to fulfill the requirement under section 48 of this act that one-half percent of construction costs be used for artwork; that the total state contribution for the design and construction of the new exhibit center not exceed \$28,800,000; and that, in addition, at least \$7,000,000 of the design and construction cost be paid from nonstate sources, for a total project cost of at least \$35,800,000.

Reappropriation:	
St Bldg Constr Acct	\$ 2,955,000
Appropriation:	
St Bldg Constr Acct	\$ 610,000
Prior Biennia (Expenditures)	\$ 125,000
Future Biennia (Projected Costs)	\$ 25,110,000

TOTAL	\$ 28,800,000

- (2) Correction of code violations: To extend the existing fire sprinkler system to the entire building and to install smoke and ionization detectors throughout the museum building (92-1-001)

Appropriation:	
St Bldg Constr Acct	\$ 250,849
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 250,849

- (3) Minor works for building repairs and educational and archeological collections
The appropriation in this subsection is subject to the following conditions and limitations: \$222,424 is provided solely to repair the interior and exterior of the museum building.

Appropriation:	
St Bldg Constr Acct	\$ 472,424
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 472,424

- (4) Museum interior remodeling (88-3-004)

Reappropriation:	
St Bldg Constr Acct	\$ 35,000
Prior Biennia (Expenditures)	\$ 2,207,000
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$	2,242,000
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NEW SECTION. Sec. 42. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

- (1) To complete restoration of interior rooms, the conservatory, the veranda, and the exterior of the Campbell House (86-1-002)

Appropriation:

St Bldg Constr Acct	\$	746,211
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Prior Biennia (Expenditures)	\$	542,832
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Future Biennia (Projected Costs) ...	\$	0
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TOTAL	\$	1,289,043
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- (2) Cheney Cowles Museum: For an energy-efficient boiler system, a temperature/humidity system for the entire museum, and a clean-air filtration system (92-2-001)

Appropriation:

St Bldg Constr Acct	\$	424,279
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs) ...	\$	0
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TOTAL	\$	424,279
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- (3) Cheney Cowles Museum: To replace outdated museum lighting (92-2-002)

Appropriation:

St Bldg Constr Acct	\$	56,727
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Prior Biennia (Expenditures)	\$	0
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Future Biennia (Projected Costs) ...	\$	0
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TOTAL	\$	56,727
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NEW SECTION. Sec. 43. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

- (1) For replacement of building systems and for maintenance and improvements to the interior or exterior of the Lord Mansion and the Carriage House (92-1-003)

Reappropriation:

St Bldg Constr Acct	\$	10,600
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Appropriation:

St Bldg Constr Acct	\$	99,510
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Prior Biennia (Expenditures)	\$	16,400
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Future Biennia (Projected Costs) ...	\$	10,500
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TOTAL	\$	137,010
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NEW SECTION. Sec. 44. FOR THE COMMUNITY COLLEGE SYSTEM

- (1) Extension facility (Puyallup) (86-3-021)

Reappropriation:		
St Bldg Constr Acct	\$	99,211
Prior Biennia (Expenditures)	\$	5,276,789
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	5,376,000
(2) Tech building and remodeling (Skagit Valley) (86-3-022)		
Reappropriation:		
St Bldg Constr Acct	\$	30,085
Prior Biennia (Expenditures)	\$	3,369,915
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,400,000
(3) Heavy equipment building (South Seattle) (86-3-026)		
Reappropriation:		
St Bldg Constr Acct	\$	17,901
Prior Biennia (Expenditures)	\$	4,429,099
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,447,000
(4) Minor works (RMI) (88-2-001)		
Reappropriation:		
St Bldg Constr Acct	\$	114,174
Prior Biennia (Expenditures)	\$	3,385,826
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,500,000
(5) Repairs, exterior walls (88-3-003)		
Reappropriation:		
St Bldg Constr Acct	\$	218,614
Prior Biennia (Expenditures)	\$	4,045,386
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,264,000
(6) Repairs, mechanical, heating, ventilation, and air conditioning (88-3-004)		
Reappropriation:		
St Bldg Constr Acct	\$	500,121
Prior Biennia (Expenditures)	\$	3,574,879
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	4,075,000

(7) Minor improvements (88-3-005)

Reappropriation:

St Bldg Constr Acct	\$	781,756
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Prior Biennia (Expenditures)	\$	12,982,244
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Future Biennia (Projected Costs) . . .	\$	0
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TOTAL	\$	13,764,000
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(8) Repairs, electrical (88-3-006)

Reappropriation:

St Bldg Constr Acct	\$	114,986
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Prior Biennia (Expenditures)	\$	1,277,014
--	----	-----------

Future Biennia (Projected Costs) . . .	\$	0
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TOTAL	\$	1,392,000
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(9) Sites and interiors (88-3-007)

Reappropriation:

St Bldg Constr Acct	\$	168,312
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Prior Biennia (Expenditures)	\$	1,757,688
--	----	-----------

Future Biennia (Projected Costs) . . .	\$	0
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TOTAL	\$	1,926,000
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(10) Agri Tech building (Walla Walla) (88-3-008)

Reappropriation:

St Bldg Constr Acct	\$	1,000,539
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Prior Biennia (Expenditures)	\$	2,114,461
--	----	-----------

Future Biennia (Projected Costs) . . .	\$	0
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TOTAL	\$	3,115,000
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(11) Plan, and construct library-student center (86-2-031)

Reappropriation:

St Bldg Constr Acct	\$	328,911
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Prior Biennia (Expenditures)	\$	7,662,089
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Future Biennia (Projected Costs) . . .	\$	0
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TOTAL	\$	7,991,000
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(12) Vocational shop (Wenatchee) (88-3-010)

Reappropriation:

St Bldg Constr Acct	\$	613,953
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Prior Biennia (Expenditures)	\$	341,047
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Future Biennia (Projected Costs) . . .	\$	0
--	----	---

TOTAL	\$	955,000
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(13)	Computer facility (Edmonds) (88-3-011)		
	Reappropriation:		
	St Bldg Constr Acct	\$	14,934
	Prior Biennia (Expenditures)	\$	3,820,066
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,835,000
(14)	Learning resource center (Clark) (88-3-012)		
	Reappropriation:		
	St Bldg Constr Acct	\$	620,017
	Prior Biennia (Expenditures)	\$	5,759,983
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	6,380,000
(15)	Extension center (Yakima Valley) (88-3-013)		
	Reappropriation:		
	St Bldg Constr Acct	\$	102,068
	Prior Biennia (Expenditures)	\$	1,588,932
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	1,691,000
(16)	Math and science building (Spokane Falls) (88-3-015)		
	Reappropriation:		
	St Bldg Constr Acct	\$	779,618
	Prior Biennia (Expenditures)	\$	4,970,382
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,750,000
(17)	Learning resource center (Spokane) (88-3-016)		
	Reappropriation:		
	St Bldg Constr Acct	\$	588,025
	Prior Biennia (Expenditures)	\$	4,946,975
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	5,535,000
(18)	Preplanning for 1989-93 major projects (88-4-014)		
	Reappropriation:		
	St Bldg Constr Acct	\$	48,852
	Prior Biennia (Expenditures)	\$	448,148
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	497,000

- (19) Construct: Whidbey learning resource center: To house library and media services, computer science and office occupations programs, classrooms, and offices at Skagit Valley's Whidbey branch (Skagit Valley) (88-5-020)
- | | | |
|--|----|-----------|
| Reappropriation | | |
| St Bldg Constr Acct | \$ | 66,117 |
| Appropriation: | | |
| St Bldg Constr Acct | \$ | 2,123,000 |
| Prior Biennia (Expenditures) | \$ | 41,883 |
| Future Biennia (Projected Costs) . . . | \$ | 0 |
| | | ----- |
| TOTAL | \$ | 2,231,000 |
- (20) Construct: A combination science, physical education, and instruction building (South Puget Sound) (88-5-021)
- | | | |
|--|----|-----------|
| Appropriation: | | |
| St Bldg Constr Acct | \$ | 5,998,000 |
| Prior Biennia (Expenditures) | \$ | 256,000 |
| Future Biennia (Projected Costs) . . . | \$ | 0 |
| | | ----- |
| TOTAL | \$ | 6,254,000 |
- (21) Construct: Early childhood education facility of eight thousand square feet (Shoreline) (88-5-022)
- | | | |
|--|----|-----------|
| Reappropriation: | | |
| St Bldg Constr Acct | \$ | 20,747 |
| Appropriation: | | |
| St Bldg Constr Acct | \$ | 1,307,000 |
| Prior Biennia (Expenditures) | \$ | 57,253 |
| Future Biennia (Projected Costs) . . . | \$ | 0 |
| | | ----- |
| TOTAL | \$ | 1,385,000 |
- (22) Construct: Library addition and remodel to reconfigure the library building and add ten thousand four hundred seventy-five square feet (Columbia Basin) (88-5-023)
- | | | |
|--|----|-----------|
| Reappropriation: | | |
| St Bldg Constr Acct | \$ | 77,194 |
| Appropriation: | | |
| St Bldg Constr Acct | \$ | 1,972,000 |
| Prior Biennia (Expenditures) | \$ | 35,806 |
| Future Biennia (Projected Costs) . . . | \$ | 0 |
| | | ----- |
| TOTAL | \$ | 2,085,000 |
- (23) Construct: Vocational shops for diesel, automotive, and woodworking classes (Centralia) (88-5-024)
- | | | |
|-------------------------------|----|--------|
| Reappropriation: | | |
| St Bldg Constr Acct | \$ | 49,234 |
| Appropriation: | | |

St Bldg Constr Acct	\$	2,025,000
Prior Biennia (Expenditures)	\$	45,766
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	2,120,000

(24) Construct: Learning research center addition and remodel to add seven thousand two hundred square feet for information technology, media production, offices, and work areas (Tacoma) (88-5-025)

Reappropriation:		
St Bldg Constr Acct	\$	76,722
Appropriation:		
St Bldg Constr Acct	\$	1,746,000
Prior Biennia (Expenditures)	\$	13,278
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	1,836,000

(25) Construct: Vocational food addition to add twelve thousand two hundred fifty square feet to the student center for expansion of the food service program areas (Lower Columbia) (88-5-026)

Reappropriation:		
St Bldg Constr Acct	\$	138,067
Appropriation:		
St Bldg Constr Acct	\$	2,902,000
Prior Biennia (Expenditures)	\$	1,933
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	3,042,000

(26) Construct: Business Education Building to house office technology labs, computer labs, and related support activities (Spokane) (88-5-027)

Reappropriation:		
St Bldg Constr Acct	\$	33,714
Appropriation:		
St Bldg Constr Acct	\$	6,311,000
Prior Biennia (Expenditures)	\$	211,286
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	6,556,000

(27) Construct: Student activity and physical education facility (Seattle Central) (88-5-028)

Reappropriation:		
St Bldg Constr Acct	\$	148,348
Appropriation:		
St Bldg Constr Acct	\$	11,080,000
Prior Biennia (Expenditures)	\$	251,652

	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	11,480,000
(28)	Washington State University education center (Clark) (89-5-019)	
	Reappropriation:	
	St Bldg Constr Acct \$	12,793
	Prior Biennia (Expenditures) \$	1,787,207
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	1,800,000
(29)	Multipurpose child care center (Everett) (89-5-020)	
	Reappropriation:	
	St Bldg Constr Acct \$	20,055
	Prior Biennia (Expenditures) \$	465,533
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	485,588
(30)	Fire and security repairs (90-1-004)	
	Reappropriation:	
	St Bldg Constr Acct \$	499,132
	Prior Biennia (Expenditures) \$	448,478
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	947,610
(31)	Roof and structural repairs (90-2-002)	
	Reappropriation:	
	St Bldg Constr Acct \$	1,336,671
	Prior Biennia (Expenditures) \$	2,321,329
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	3,658,000
(32)	Heating, ventilation, and air conditioning mechanical repairs (90-2-003)	
	Reappropriation:	
	St Bldg Constr Acct \$	1,412,452
	Prior Biennia (Expenditures) \$	1,560,378
	Future Biennia (Projected Costs) . . . \$	0
	TOTAL \$	2,972,830
(33)	Electrical repairs (90-2-005)	
	Reappropriation:	
	St Bldg Constr Acct \$	126,639

Prior Biennia (Expenditures)	\$	244,601
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	371,240

(34) Small repairs and improvements (90-3-001)

Reappropriation:		
St Bldg Constr Acct	\$	1,338,574
Prior Biennia (Expenditures)	\$	2,861,426
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	4,200,000

(35) Learning assistance resource center (Centralia) (90-3-006)

Reappropriation:		
St Bldg Constr Acct	\$	66,076
Prior Biennia (Expenditures)	\$	4,147,924
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	4,214,000

(36) Facility repairs (90-3-007)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment or for other expenses that normally would be funded from the state operating budget.

Reappropriation:		
St Bldg Constr Acct	\$	740,342
Prior Biennia (Expenditures)	\$	3,107,838
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	3,848,180

(37) Technology laboratories (Highline) (90-3-023)

Reappropriation:		
St Bldg Constr Acct	\$	554,817
Prior Biennia (Expenditures)	\$	2,213,183
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	2,768,000

(38) Minor improvements (90-5-009)

The reappropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Reappropriation:

St Bldg Constr Acct	\$	4,454,434
Prior Biennia (Expenditures)	\$	8,838,506
Future Biennia (Projected Costs)	\$	0

TOTAL	\$	13,292,940

(39) Design: Technology center (Whatcom) (90-5-010)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	34,750
Appropriation:		
St Bldg Constr Acct	\$	249,000
Prior Biennia (Expenditures)	\$	28,250
Future Biennia (Projected Costs)	\$	6,378,000

TOTAL	\$	6,690,000

(40) Design: Physical education facility (North Seattle) (90-5-011)

The appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Appropriation:		
St Bldg Constr Acct	\$	202,000
Prior Biennia (Expenditures)	\$	45,000
Future Biennia (Projected Costs)	\$	6,940,000

TOTAL	\$	7,187,000

(41) Design: Applied arts building (Spokane Falls) (90-5-012)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:		
St Bldg Constr Acct	\$	33,157
Appropriation:		
St Bldg Constr Acct	\$	280,000
Prior Biennia (Expenditures)	\$	34,843
Future Biennia (Projected Costs)	\$	5,213,000

TOTAL	\$	5,561,000

(42) Design: Industrial tech building (Spokane) (90-5-013)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 9,076
Appropriation:	
St Bldg Constr Acct	\$ 298,000
Prior Biennia (Expenditures)	\$ 54,924
Future Biennia (Projected Costs) . . .	\$ 6,536,000

TOTAL	\$ 6,898,000

(43) Design: Vocational art facility (Shoreline) (90-5-014)

Reappropriation:	
St Bldg Constr Acct	\$ 22,407
Appropriation:	
St Bldg Constr Acct	\$ 157,000
Prior Biennia (Expenditures)	\$ 28,593
Future Biennia (Projected Costs) . . .	\$ 2,785,000

TOTAL	\$ 2,993,000

(44) Design: Business education building (Clark) (90-5-015)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 33,280
Appropriation:	
St Bldg Constr Acct	\$ 305,000
Prior Biennia (Expenditures)	\$ 39,720
Future Biennia (Projected Costs) . . .	\$ 5,725,000

TOTAL	\$ 6,103,000

(45) Design: Student center (South Seattle) (90-5-016)

The new appropriation in this subsection shall not be expended until project preplanning documents have been reviewed and approved by the office of financial management under section 59 of this act.

Reappropriation:	
St Bldg Constr Acct	\$ 5,117
Appropriation:	
St Bldg Constr Acct	\$ 258,000
Prior Biennia (Expenditures)	\$ 53,883
Future Biennia (Projected Costs) . . .	\$ 4,276,000

	TOTAL	\$	4,593,000
(46)	Design: Library addition (Skagit Valley) (90-5-017)		
	Appropriation:		
	St Bldg Constr Acct	\$	116,000
	Prior Biennia (Expenditures)	\$	44,000
	Future Biennia (Projected Costs) ...	\$	1,896,000
	TOTAL	\$	2,056,000
(47)	Acquisition: Purchase land for staff and student parking (Olympic) (92-1-601)		
	Appropriation:		
	St Bldg Constr Acct	\$	105,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	105,000
(48)	Acquisition: Purchase a two thousand four hundred-square-foot child care facility (Centralia) (92-1-602)		
	Appropriation:		
	St Bldg Constr Acct	\$	78,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	78,000
(49)	Acquisition: Purchase 1.76 acres and a five thousand seven hundred five-square-foot fire station for fire science training and additional college parking (Spokane) (92-1-603)		
	Appropriation:		
	St Bldg Constr Acct	\$	498,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	498,000
(50)	Acquisition: Purchase auto shop that is currently being leased (Olympic) (92-1-604)		
	Appropriation:		
	St Bldg Constr Acct	\$	700,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs) ...	\$	0
	TOTAL	\$	700,000
(51)	Acquisition: Purchase 1.4 acres and an eight thousand-square-foot graphic arts facility currently being leased for the Whidbey branch (Skagit Valley) (92-1-605)		

Appropriation:	
St Bldg Constr Acct	\$ 280,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 280,000

- (52) Acquisition: Purchase a fourteen thousand six hundred three-square-foot vocational facility adjacent to the college that is currently being leased (Whatcom) (92-1-606)

Appropriation:	
St Bldg Constr Acct	\$ 1,893,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,893,000

- (53) Underground tank repairs: To remove sixty-five underground storage tanks and any contaminated soil (92-2-102)

The appropriation in this subsection may be expended only after compliance with section 6(2) of this act.

Appropriation:	
St Bldg Constr Acct	\$ 650,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 650,000

- (54) Life safety code repairs: To pay local improvement district assessments and make improvements to meet handicap and safety regulations (92-2-103)

Appropriation:	
St Bldg Constr Acct	\$ 1,172,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 1,172,000

- (55) Roof repairs: To replace or repair roofs at seventeen campuses (92-2-104)

Appropriation:	
St Bldg Constr Acct	\$ 7,457,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 7,457,000

- (56) Exterior and structural repairs: To repair structural or exterior problems at seven campuses (92-2-105)

	Appropriation:		
	St Bldg Constr Acct	\$	817,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	817,000
(57)	Heating, ventilation, and air conditioning repairs: To repair or replace HVAC systems on ten campuses (92-2-106)		
	Appropriation:		
	St Bldg Constr Acct	\$	3,074,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	3,074,000
(58)	Electrical repairs: To repair or replace electrical wiring and equipment on twelve campuses (92-2-107)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,307,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,307,000
(59)	Mechanical repairs: To repair or replace mechanical system components on eleven campuses (92-2-108)		
	Appropriation:		
	St Bldg Constr Acct	\$	2,508,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	2,508,000
(60)	Fire and security repairs: To repair or improve fire and security systems on four campuses (92-2-109)		
	Appropriation:		
	St Bldg Constr Acct	\$	692,000
	Prior Biennia (Expenditures)	\$	0
	Future Biennia (Projected Costs)	\$	0
	TOTAL	\$	692,000
(61)	Interior repairs: To repair or replace interior surfaces and equipment on twelve campuses (92-2-110)		
	Appropriation:		
	St Bldg Constr Acct	\$	1,440,000

Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	1,440,000

(62) Site repairs: To provide site improvements on eleven campuses (92-2-111)

Appropriation:		
St Bldg Constr Acct	\$	1,329,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	1,329,000

(63) Small repairs and improvements: To provide funds for each community college to make unforeseen repairs (92-5-001)

\$45,000, or as much thereof as may be necessary, of the appropriation in this subsection is provided for an evaluation of the physical condition of the Seattle Vocational Institute formerly the Washington Institute of Applied Technology (WIAT) facility.

Appropriation:		
St Bldg Constr Acct	\$	6,256,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	6,256,000

(64) Minor improvements: To complete fifty-seven minor improvement projects costing less than \$500,000 each (92-5-200)

The appropriation in this subsection is provided solely for minor repairs, fixtures, and improvements to state buildings and facilities and shall not be used for computer equipment, land acquisition, or for other expenses that normally would be funded from the state operating budget.

Appropriation:		
St Bldg Constr Acct	\$	16,930,000
Prior Biennia (Expenditures)	\$	0
Future Biennia (Projected Costs) . . .	\$	0

TOTAL	\$	16,930,000

(65) Preplan: Puyallup, phase 2 (Pierce) (92-5-501)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:		
St Bldg Constr Acct	\$	57,000
Prior Biennia (Expenditures)	\$	0

Future Biennia (Projected Costs) . . . \$	9,653,000
TOTAL \$	9,710,000

(66) Preplan: Vocational building (Skagit Valley) (92-5-502)

Appropriation:	
St Bldg Constr Acct \$	25,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	2,116,000
TOTAL \$	2,141,000

(67) Preplan: Learning resource center, arts, and student center (Whatcom) (92-5-503)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:	
St Bldg Constr Acct \$	45,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	6,942,000
TOTAL \$	6,987,000

(68) Preplan: Office and instructional building (Edmonds) (92-5-504)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:	
St Bldg Constr Acct \$	58,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	8,485,000
TOTAL \$	8,543,000

(69) Preplan: Technical skills facility (South Puget Sound) (92-5-505)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:	
St Bldg Constr Acct \$	42,000
Prior Biennia (Expenditures) \$	0
Future Biennia (Projected Costs) . . . \$	5,849,000
TOTAL \$	5,891,000

(70) Preplan: Learning resource center and technical facility (Green river) (92-5-506)

Any preplanning documents developed using the appropriation in this subsection are subject to review by the office of financial management under section 59 of this act.

Appropriation:	
St Bldg Constr Acct	\$ 58,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 10,462,000

TOTAL	\$ 10,520,000

(71) Preplan: New Campus One (92-5-701)	
Appropriation:	
St Bldg Constr Acct	\$ 300,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 14,800,000

TOTAL	\$ 15,100,000

(72) Pool repairs (Pierce)	
Appropriation:	
St Bldg Constr Acct	\$ 600,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 0

TOTAL	\$ 600,000

NEW SECTION. Sec. 45. FOR THE HIGHER EDUCATION COORDINATING BOARD

(1) Higher education facilities inventory: To develop, through use of existing institutional records and information systems, and implement, on a pilot demonstration basis at Western Washington University, a state-wide facilities inventory, measuring and describing the volume, condition, and use levels of classroom, research labs, teaching labs, office, and library space at the public institutions of higher education. The board shall consult with the office of financial management in developing the facilities inventory

Appropriation:	
St Bldg Constr Acct	\$ 120,000
Prior Biennia (Expenditures)	\$ 0
Future Biennia (Projected Costs)	\$ 300,000

TOTAL	\$ 420,000

"PART 6
MISCELLANEOUS"

NEW SECTION. Sec. 46. The estimated general fund--state debt service costs related solely to the new capital appropriations within this act are \$26,220,000 during the

1991-93 fiscal period; \$146,400,000 during the 1993-95 fiscal period; and \$192,200,000 during the 1995-97 fiscal period.

NEW SECTION. Sec. 47. The following agencies may enter into financial contracts for the purpose indicated and in not more than the principal amounts indicated plus financing expenses and required reserves pursuant to chapter 39.94 RCW:

(1) Department of Social and Health Services to:

(a) Lease a multi-service center in Benton county for \$2,592,450 during the 1991-93 biennium; and

(b) Lease a Spokane North Community Service Office for \$980,000 during the 1991-93 biennium.

(2) Department of Corrections to:

(a) Lease-purchase a sixty-bed work-release facility in Benton county for \$1,186,850 during the 1991-93 biennium;

(b) Lease-purchase a forty-bed work-release facility in Longview for \$1,337,670 during the 1991-93 biennium;

(c) Lease-purchase twelve forty-bed work-release facilities in as-yet-undetermined locations state-wide for \$1,337,670 each, for a total of \$16,052,040 during the 1991-93 biennium;

(d) Lease-purchase a correctional industries building at Shelton for \$1,892,153 during the 1991-93 biennium; and

(e) Lease-purchase a four hundred-passenger ferry, used tugboat, and new vehicle barge at McNeil Island for \$1,760,963 during the 1991-93 biennium.

(3) State Board for Community College Education to:

(a) Lease-purchase a warehouse-type facility to house the electrician apprentice training program in Skagit county for an estimated cost of \$200,000 during the 1991-93 biennium;

(b) Lease-purchase a facility to house the cosmetology training program at Everett for \$60,000;

(c) Lease a facility to house the Bellevue Community College business office in Bellevue for \$120,000 during the 1991-93 biennium;

(d) Lease a facility for the Green River Community College education and training center in Kent for \$120,000 in the 1991-93 biennium;

(e) Lease-purchase office space for Edmonds Community College in Edmonds for \$280,000 during the 1991-93 biennium;

(f) Lease-purchase space to house Spokane Falls Community College's adult education programs in Spokane for \$300,000 during the 1991-93 biennium;

(g) Lease-purchase space to house plant services for Wenatchee Valley Community College in Wenatchee for \$96,000 during the 1991-93 biennium;

(h) Lease-purchase land in Bellingham for Whatcom Community College for \$450,000;

(i) Purchase a central storage facility for Spokane Community College for \$75,000;

(j) Purchase a hangar at Felts Field to house the aircraft mechanics' vocational training program for Spokane Community College for \$161,000; and

(k) Lease-purchase an auto technology training facility at Shoreline Community College for \$2,600,000.

(4) The Department of Ecology, to acquire, design, and construct a Thurston county headquarters for \$53,000,000.

(5) The Evergreen State College, to expand the college activities building for \$800,000. The financing contract shall be repaid through student activities fees.

(6) The Department of General Administration, to purchase or lease purchase office space to house the state board for community college education staff for \$1,400,000.

NEW SECTION. Sec. 48. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING.

One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. One-half of one percent of moneys appropriated in this act for original construction of any building by any college or university or for any major renovation or remodel work exceeding \$200,000 by any college or university is provided solely for the purposes of RCW 28B.10.027. One-half of one percent of moneys appropriated in this act for original construction of any other public building by a state agency as defined by RCW 43.17.200 is provided solely for the purposes of RCW 43.17.200.

NEW SECTION. Sec. 49. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts.

NEW SECTION. Sec. 50. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining June 30, 1991, in the 1989-91 biennial appropriations for each project.

NEW SECTION. Sec. 51. To carry out the provisions of this act, the governor may assign responsibility for planning, engineering, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 52. As part of the annual update to the State Facilities and Capital Plan, agencies shall provide information on lease development and lease purchase projects to the office of financial management.

NEW SECTION. Sec. 53. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate committee on ways and means and the house of representatives committee on capital facilities and financing.

NEW SECTION. Sec. 54. Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditure of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs. This section shall not apply to section 12(5) of this act.

NEW SECTION. Sec. 55. Notwithstanding any other provisions of law, for the 1991-93 biennium, transfers of reimbursement by the state treasurer to the general fund from the community college capital projects account for debt service payments made under Title 28B RCW shall occur only after such debt service payment has been made and only to the extent that funds are actually available in the account. Any unpaid reimbursements shall be a continuing obligation against the community college capital projects account until paid. The state board for community college education need not accumulate any specific balance in the community college capital projects account in anticipation of transfers to reimburse the general fund.

NEW SECTION. Sec. 56. Any capital improvements or capital project involving construction or major expansion of a state office facility, including district headquarters, detachment offices, and off-campus faculty offices, shall be reviewed by the department of general administration for possible consolidation and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 57. The governor, through the director of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer shall

be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if (1) the project as defined in the notes to the budget document is substantially complete and there are funds remaining or (2) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated herein.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section except emergency projects or any transfer under \$250,000 shall be filed with the legislative fiscal committees of the senate and house of representatives by the director of financial management at least thirty days before the date the transfer is effected, and shall report all transfers within thirty days from the date of transfer.

Sec. 58. RCW 43.168.110 and 1985 c 164 s 11 are each amended to read as follows:

There is established the Washington state development loan fund which shall be an account in the state treasury. All loan payments of principal and interest which are transferred under RCW 43.168.050 shall be deposited into the account. Moneys in the account may be spent ~~((without))~~ only after legislative appropriation for loans under this chapter. ~~((However,))~~ Any expenditures of these moneys shall conform to federal law.

NEW SECTION. Sec. 59. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act referencing this section shall not be expended until the office of financial management has reviewed the agency's programmatic preplanning document and approved continuation of or made changes to the project. The program preplanning document shall include but not be limited to projected workload, site conditions, user requirements, current space available, and an overall budget and cost estimate breakdown in a form prescribed by the office of financial management. The office of financial management shall report to the house of representatives capital facilities committee, the senate ways and means committee, and the legislative transportation committee a listing of the program documents the office has reviewed and approved, changes made to the documents resulting from the review, and the estimated cost changes resulting from the review.

NEW SECTION. Sec. 60. The appropriations in sections 34 through 39 and 44 of this act are subject to the following requirements:

(1) Using a committee that includes one or more students, faculty, and staff with disabilities, each institution of higher education shall identify barriers to physical access on that institution's campuses.

(2) Beginning with its 1993-95 capital budget request, each institution shall incorporate into its capital budget process efforts to reduce physical barriers to access.

NEW SECTION. Sec. 61. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter

43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications equipment expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Before any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Before any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

"PART 7
SEVERABILITY AND EFFECTIVE DATE"

NEW SECTION. Sec. 62. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formalized loan are to be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 63. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 64. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending RCW 43.168.110; amending section 208, chapter 12, Laws of 1989 1st ex. sess. (uncodified); making appropriations and authorizing expenditures for the capital improvements; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senator Bluechel, Rinehart and Matson; Representatives H. Sommers and Rasmussen.

MOTION

Ms. H. Sommers moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1427. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1427 as recommended by Conference Committee.

Ms. H. Sommers spoke in favor of passage of the bill.

The Speaker declared the House to be at ease.
The Speaker called the House to order.

Ms. Schmidt spoke against passage of the bill, and Representatives Rasmussen and Sprenkle spoke in favor of it.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1427 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Appelwick, Basich, Beck, Belcher, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Hargrove, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mielke, Mitchell, Morris, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Rust, Scott, Sheldon, Silver, Sommers, H., Spanel, Sprenkle, Tate, Valle, Wang, Wilson, Wineberry, Winsley, Wynne, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Betzoff, Braddock, Chandler, Fuhrman, Heavey, Hochstatter, McLean, Miller, Morton, Moyer, Nealey, Padden, Prince, Roland, Schmidt, Sommers, D., Vance, Van Luven, Wood - 20.

Excused: Representative Haugen - 01.

Engrossed Substitute House Bill No. 1427 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

June 29, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5790,
and the same is herewith transmitted.

Gordon A. Golob, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1058,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907,
ENGROSSED HOUSE BILL NO. 2235,
HOUSE BILL NO. 2242,
HOUSE CONCURRENT RESOLUTION NO. 4422,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5149,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5790.

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

SECOND READING

MOTION

Mr. Ebersole moved that the House immediately consider Engrossed Senate Bill No. 5959 on the regular second reading calendar. The motion was carried.

ENGROSSED SENATE BILL NO. 5959, by Senators McDonald, Hayner and West

Restricting eligibility for general assistance unemployable.

The bill was read the second time.

Mr. Locke moved adoption of the following amendment:

On page 9, beginning on line 24, strike all of section 2
Renumber remaining sections.

Mr. Locke spoke in favor of adoption of the amendment, and it was adopted.

On motion of Mr. Dorn, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5959 as amended by the House, and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Appelwick, Ballard, Basich, Beck, Betzoff, Bowman, Braddock, Bray, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dom, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., King, R., Kremen, Lisk, Locke, Ludwig, May, McLean, Meyers, R., Mielke, Miller, Mitchell, Morris, Morton, Moyer, Myers, H., Nealey, Neher, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Sprengle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Anderson, Belcher, Brekke, Heavey, Jones, Leonard, Nelson, Wineberry - 08.

Excused: Representative Haugen - 01.

Engrossed Senate Bill No. 5959 as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

June 29, 1991

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 5560 and has passed the bill as amended by the House.

Gordon A. Golob, Secretary.

MESSAGE FROM THE PRESIDENT
OF THE UNITED STATE

June 26, 1991

The Honorable John L. O'Brien
Member of the House of Representatives
of the State of Washington
Olympia, Washington
Dear Mr. O'Brien:

I am pleased to join your many friends and colleagues in commending you for your dedicated service to the Washington State House of Representatives. This is a fitting tribute to your exceptional twenty-five terms in office.

You continue in a proud tradition, for our Nation has always relied on people like you to help fulfill the promise of this wonderful experiment in self-government that we call America. During the course of your fifty-year tenure, you've given the people of Washington your very best talents and devotion. Your distinguished record merits gratitude and commendation, and on behalf of our fellow citizens, I gladly convey both to you.

Barbara joins me in sending best wishes as you continue to serve your fellow Washingtonians. God bless you.

Sincerely,
George Bush.

The Speaker declared the House to be at ease.

The Speaker (Mr. Zellinsky presiding) called the House to order.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4718, by Representative Appelwick

WHEREAS, The National Conference of Commissioners on Uniform State Laws is celebrating its one-hundredth anniversary, and it is appropriate upon this auspicious occasion that the achievements of the organization are highlighted and that its role in creating uniformity of the laws of the states, the District of Columbia, Puerto Rico, and the United States Virgin Islands are applauded; and

WHEREAS, As far back as 1881, the problems associated with wide variations in state laws were formally recognized by the Alabama State Bar Association, which took the first formal action to encourage development of "uniform" laws, and in August 1889, the American Bar Association (ABA) decided at its twelfth annual meeting to work for "uniformity of the laws" of the then forty-four states; and

WHEREAS, Within a year, the New York legislature authorized the governor to appoint three commissioners to explore the most effective manner in which to effect uniformity of law to ease problems developing between increasingly interdependent states; and the ABA endorse New York's action with the result that the first meeting of the Conference of State Boards of Commissioners on Promoting Uniformity of Law in the United States was held in Saratoga Springs, New York, on August 24, 1892, with commissioners for seven states in attendance (Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey, and Pennsylvania); and

WHEREAS, In 1915, the organization officially became the National Conference of Commissioners on Uniform State Laws; and

WHEREAS, Since 1905 the state of Washington has been a member of the National Conference of Commissioners on Uniform State Laws and has served with distinction, making significant contributions to that conference; and

WHEREAS, Washington state has adopted into its statutes eighty-five or more of the uniform acts or amendments that have been promulgated by the National Conference of Commissioners on Uniform State Laws including the uniform commercial code, which is the underlying basis of the vast portion of the commerce that is the health of this state; and

WHEREAS, At the present time, more than three hundred practicing lawyers, judges, law professors, and government officials serve as Uniform Law Commissioners; and these state-appointed commissioners, selected for their wide

range of legal expertise and experience, provide an immeasurable resource for drafting "uniform" and "model" laws; and

WHEREAS, Commissioners, who donate hundreds and even thousands of hours of their time to the Conference, receive no salaries or fees for their work; and it is their extreme dedication and commitment to the principles of the Conference which has enabled the Conference to be credited with its resounding success and for the renown which it has earned throughout the country;

NOW, THEREFORE, BE IT RESOLVED, That the National Conference of Commissioners on Uniform State Laws be commended as it celebrates its one-hundredth anniversary, and applauded as a genuine confederation of state interests and for its brilliant leadership which it has displayed in effectuating uniformity of law and in providing states with legislation adaptable to their particular needs and concerns; and

BE IT FURTHER RESOLVED, That sincere appreciation be extended to those individuals who have given unstintingly of their time and expertise as Commissioners.

On motion of Mr. Appelwick, House Resolution No. 91-4718 was adopted.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Mr. Ebersole, the House adjourned until 1:30 p.m., Sunday, June 30, 1991.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIRST SPECIAL SESSION

TWENTY-FIRST DAY

AFTERNOON SESSION

House Chamber, Olympia, Sunday, June 30, 1991

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Hargrove, Haugen, Sprengle and Wineberry.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah O'Neil and Sarah Fischer. Prayer was offered by the Reverend Rick Hammersla, Minister of Evangel Temple, Church of God, of Tumwater.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

June 29, 1991

Mr. Speaker:

The Senate has concurred in the House amendment(s) to ENGROSSED SENATE BILL NO. 5959, and passed the bill as amended by the House.

W. D. Naismith, Deputy Secretary.

June 29, 1991

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1376,

ENGROSSED HOUSE BILL NO. 1890,

HOUSE BILL NO. 1891,

ENGROSSED HOUSE BILL NO. 2237,

HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 29, 1991

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5560,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1058,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907,
ENGROSSED HOUSE BILL NO. 2235,
HOUSE BILL NO. 2242,
HOUSE CONCURRENT RESOLUTION NO. 4422,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease.
The Speaker called the House to order.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430, by House Committee on Capital Facilities & Financing (originally sponsored by Representative H. Sommers; by request of Governor Gardner)

Issuing general obligation and revenue bonds.

MOTION

On motion of Mr. Ebersole, the rules were suspended and Engrossed Substitute House Bill No. 1430 was returned to second reading for purpose of amendment.

On motion of Ms. H. Sommers, the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one billion ninety-five million dollars, or so much thereof as may be required, to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 1991-1993 fiscal biennium and subsequent fiscal biennia, and all costs incidental thereto.

Bonds authorized in this section shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance, letters of credit, or other credit enhancements and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section. Promissory notes or other obligations issued pursuant to this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the same relate.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. Sec. 2. Bonds issued under section 1 of this act are subject to the following conditions and limitations:

General obligation bonds of the state of Washington in the sum of one billion ninety-five million dollars, or so much thereof as may be required, shall be issued for the purposes described and authorized by the legislature in the capital and operating appropriations acts for the 1991-93 fiscal biennium and subsequent fiscal biennia, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. Subject to such changes as may be required in the appropriations acts, the proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account created by RCW 43.83.020 and transferred as follows:

(1) Eight hundred thirty-five thousand dollars to the state higher education construction account created by RCW 28B.10.851;

(2) Eight hundred twenty-three million dollars to the state building construction account created by RCW 43.83.020;

(3) Fifteen million dollars to the energy efficiency construction account created by RCW 39.--- (section 11, chapter 201, Laws of 1991);

(4) Three million fifty thousand dollars to the energy efficiency services account created by RCW 39.--- (section 12, chapter 201, Laws of 1991);

(5) One hundred twenty million dollars to the common school reimbursable construction account hereby created in the state treasury;

(6) Ninety-eight million six hundred forty-eight thousand dollars to the higher education reimbursable construction account hereby created in the state treasury; and

(7) Two million four hundred five thousand dollars to the wildlife reimbursable construction account hereby created in the state treasury.

These proceeds shall be used exclusively for the purposes specified in this subsection, and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management, subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) Both principal of and interest on the bonds issued for the purposes specified in section 2 (1) through (7) of this act shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

NEW SECTION. Sec. 4. (1) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(3) and (4) of this act, the state treasurer shall transfer from the energy efficiency construction account created in RCW 39.--- (section 11, chapter 201, Laws of 1991) to the general fund of the state treasury the amount computed in section 3 of this act for the bonds issued for the purposes of section 2(3) and (4) of this act.

(2) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(5) of this act, the state treasurer shall transfer from property taxes in the state general fund levied for this support of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted

use the amount computed in section 3 of this act for the bonds issued for the purposes of section 2(5) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(6) of this act, the state treasurer shall transfer from higher education operating fees deposited in the general fund to the general fund of the state treasury for unrestricted use the amount computed in section 3 of this act for the bonds issued for the purposes of section 2(6) of this act.

(4) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2(7) of this act, the state treasurer shall transfer from the state wildlife fund to the general fund of the state treasury the amount computed in section 3 of this act for the bonds issued for the purpose of section 2(7) of this act.

NEW SECTION. Sec. 5. In addition to any other charges authorized by law and to assist in the reimbursement of principal and interest payments on bonds issued for the purposes of section 2(3) and (4) of this act, the director of the energy office shall cause to be accumulated in the energy efficiency construction account, from project revenues, loan repayments, and other moneys legally available for such purposes, amounts adequate to make payments of principal of and interest coming due on general obligation bonds issued for the purposes of section 2(3) and (4) of this act. As needed during each fiscal year, the director shall cause amounts so accumulated to be deposited into the general fund of the state treasury. If the director is unable to accumulate and transfer the full amount necessary for such payments of principal of and interest coming due on the bonds, any shortfall shall be credited to an account receivable from the energy office to the state treasury.

NEW SECTION. Sec. 6. Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 3 and 4 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 9. RCW 28B.14D.900 and 1985 c 390 s 9 are each amended to read as follows:

No provision of this chapter or chapter 43.99 RCW, or of RCW 28B.20.750 through 28B.20.758 shall be deemed to repeal, override, or limit any provision of RCW 28B.10.300 through 28B.10.335, 28B.15.210, 28B.15.310, ((28B.15.401,)) 28B.20.700 through 28B.20.745, 28B.30.700 through 28B.30.780, or 28B.35.700 through 28B.35.790, ((or 28B.40.700 through 28B.40.790,)) nor any provision or covenant of the proceedings of the board of regents or board of trustees of any state institution of higher education heretofore or hereafter taken in the issuance of its revenue bonds secured by a pledge of its building fees and/or other revenues mentioned within such statutes. The obligation of ((the)) such boards to make the transfers provided for in RCW 28B.14D.070 ((and in RCW), 28B.14C.080(2), 28B.14C.090(2), 28B.14C.100(2), 28B.14C.110(2), 28B.14C.120(2), ((and)) 28B.14C.130(2), 28B.14G.060, 28B.20.757, 43.99G.070, and 43.99H.060 (1) and (4), and in any similar law heretofore or hereafter enacted shall be subject and subordinate to the lien and charge of any revenue bonds heretofore or

hereafter issued((;)) by such boards on the building fees and/or other revenues pledged to secure such revenue bonds, and on the moneys in the building account or capital project account and the individual institutions of higher education bond retirement funds.

Sec. 10. RCW 43.01.090 and 1979 c 151 s 81 are each amended to read as follows:

The director of general administration may assess a charge or rent against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a ~~((proportion))~~ proportionate share of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of acquiring, constructing, operating, and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by periodic billings ~~((either quarterly or semiannually))~~ as determined by the director including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of financial management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the services provided: PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section. ~~((Billings shall be adjusted at intervals of not to exceed six months to reflect any change in actual costs relative to whatever estimates may have been made for budget purposes.))~~

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in RCW 43.19.500 unless the director of financial management has authorized another method for payment of costs.

NEW SECTION. Sec. 11. The director of general administration, in cooperation with the director of the office of financial management, shall develop a plan for assessing rental charges under RCW 43.01.090 to occupants of all state office and support facilities. The plan shall set forth a timetable for imposing the charges, giving priority to imposing charges relating to buildings on the capitol campus. The plan shall consider the relationship of the proposed charges to the costs of acquiring, constructing, operating, maintaining, repairing, furnishing, and supplying the buildings. The plan shall include any recommendations for budget and accounting changes necessary to implement the rental charges. The plan shall be submitted to the capital facilities and financing committee of the house of representatives and the senate ways and means committee by December 1, 1991.

Sec. 12. RCW 46.08.172 and 1988 ex.s. c 2 s 901 are each amended to read as follows:

There is hereby established an account in the state treasury to be known as the "state capitol vehicle parking account". The director of the department of general administration shall establish ~~((an))~~ equitable and consistent ~~((employee))~~ parking rental fees for state-owned or leased property, ~~((effective July 1, 1988))~~ to be charged to employees, visitors, clients, service providers, and others, that reflect the legislature's intent to reduce state subsidization of parking. All fees shall take into account the market rate of comparable privately owned rental parking, as determined by the director. All unpledged parking rental income collected by the department of general administration from rental of parking space on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account". All earnings of investments of balances in the state capitol vehicle parking account shall be credited to the general fund.

The director may delegate the responsibility for the collection of parking fees to other agencies of state government when cost-effective.

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities (~~(at the state capitol)~~).

Sec. 13. RCW 43.99H.030 and 1990 1st ex.s. c 15 s 4 are each amended to read as follows:

Both principal of and interest on the bonds issued for the purposes specified in RCW 43.99H.020 (1) through (3), (5) through (14), and (19) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

Sec. 14. RCW 43.99H.040 and 1990 1st ex.s. c 15 s 5 are each amended to read as follows:

(1) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(16) shall be payable from the higher education bond retirement fund of 1979. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the higher education bond retirement fund of 1979, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(2) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(15) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(3) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(17) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement

fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(4) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(18) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(5) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(20) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

(6) Both principal of and interest on the bonds issued for the purposes of RCW 43.99H.020(4) shall be payable from the state general obligation bond retirement fund. The state finance committee may provide that a special account be created in such fund to facilitate payment of such principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required to provide for the payment of principal and interest on such bonds during the ensuing fiscal year in accordance with the provisions of the bond proceedings. The state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state general obligation bond retirement fund, or a special account in such fund, such amounts and at such times as are required by the bond proceedings.

Sec. 15. RCW 43.99H.060 and 1990 1st ex.s. c 15 s 6 are each amended to read as follows:

(1) For bonds issued for the purposes of RCW 43.99H.020(16), on each date on which any interest or principal and interest payment is due, the board of regents or the board of trustees of Washington State University shall cause the amount computed in RCW 43.99H.040(1) to be paid out of the appropriate building account or capital projects account to the state treasurer for deposit into the general fund of the state treasury.

(2) For bonds issued for the purposes of RCW 43.99H.020(15), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(2) from the capitol campus reserve account, hereby created in the state treasury, to the general fund of the state treasury. At the time of sale of the bonds issued for the purposes of RCW 43.99H.020(15), and on or before June 30th of each succeeding year while such bonds remain outstanding, the state finance committee shall determine, based on current balances and estimated receipts and expenditures from the capitol campus reserve account, that portion of principal and interest on such RCW 43.99H.020(15) bonds which will, by virtue of payments from the capitol campus reserve account, be reimbursed from sources other than "general state revenues" as that term is defined in Article VIII, section 1 of the state Constitution. The amount so determined by the state finance committee, as from time to time adjusted in

accordance with this subsection, shall not constitute indebtedness for purposes of the limitations set forth in RCW 39.42.060.

(3) For bonds issued for the purposes of RCW 43.99H.020(17), on each date on which any interest or principal and interest payment is due, the director of the department of labor and industries shall cause fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the accident fund created in RCW 51.44.010 and fifty percent of the amount computed in RCW 43.99H.040(3) to be transferred from the medical aid fund created in RCW 51.44.020, to the general fund of the state treasury.

(4) For bonds issued for the purposes of RCW 43.99H.020(18), on each date on which any interest or principal and interest payment is due, the board of regents of the University of Washington shall cause the amount computed in RCW 43.99H.040(4) to be paid out of ~~((the))~~ University of Washington ~~((building account))~~ nonappropriated local funds to the state treasurer for deposit into the general fund of the state treasury.

(5) For bonds issued for the purposes of RCW 43.99H.020(20), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer the amount computed in RCW 43.99H.040(5) from the public safety and education account created in RCW 43.08.250 to the general fund of the state treasury.

(6) For bonds issued for the purposes of RCW 43.99H.020(4), on each date on which any interest or principal and interest payment is due, the state treasurer shall transfer from property taxes in the state general fund levied for the support of the common schools under RCW 84.52.065 to the general fund of the state treasury for unrestricted use the amount computed in RCW 43.99H.040(6).

Sec. 16. RCW 84.52.065 and 1979 ex.s. c 218 s 1 are each amended to read as follows:

Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

Sec. 17. RCW 77.12.190 and 1987 c 506 s 27 are each amended to read as follows:

Moneys in the state wildlife fund may be used only for the purposes of this title, including the payment of principal and interest on bonds issued for capital projects.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

With consent of the House, the following amendment by Representative H. Sommers to the title was adopted:

On page 1, line 2 of the title, after "accounts;" strike the remainder of the title and insert "amending RCW 28B.14D.900, 43.01.090, 46.08.172, 43.99H.030, 43.99H.040, 43.99H.060, 84.52.065, and 77.12.190; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency."

The bill was ordered reengrossed. On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers, Ebersole and Moyer spoke in favor of passage of the bill, and Representatives Schmidt and Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 1430, and the bill passed the House by the following vote: Yeas - 71, Nays - 22, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Appelwick, Belcher, Bowman, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, Fisher, G., Fisher, R., Franklin, Fraser, Grant, Hine, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Lisk, Locke, Ludwig, May, Meyers, R., Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Sheldon, Sommers, H., Spanel, Tate, Valle, Wang, Wilson, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Ballard, Beck, Betrozoff, Braddock, Chandler, Forner, Fuhrman, Heavey, Hochstatter, Holland, McLean, Mielke, Miller, Morton, Nealey, Padden, Prince, Schmidt, Silver, Sommers, D., Vance, Van Luven - 22.

Excused: Representatives Basich, Hargrove, Haugen, Sprengle, Wineberry - 05.

Reengrossed Substitute House Bill No. 1430, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

June 30, 1991

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

REPORT OF CONFERENCE COMMITTEE

ESHB 1330

June 28, 1991

Includes "New Item": YES

Making appropriations and authorizing expenditures for the fiscal biennium ending June 30, 1993.

Mr. President:

Mr. Speaker:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330, 1991-93 biennium appropriations, have had the same under consideration and we recommend that:

(1) That the Senate Committee on Ways & Means amendments adopted on April 15, 1991, be rejected; and

(2) That the following Conference Committee amendments be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

- (a) "Fiscal year 1992" or "FY 1992" means the fiscal year ending June 30, 1992.
- (b) "Fiscal year 1993" or "FY 1993" means the fiscal year ending June 30, 1993.
- (c) "FTE" means full time equivalent.
- (d) "Lapse" or "revert" means the amount shall return to an unappropriated status.
- (e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

**"PART I
GENERAL GOVERNMENT"**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ 53,992,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

(2) Up to \$125,000 is provided for a study of comparable worth in state employee salaries. The study shall review the current implementation of comparable worth and evaluate compensation policy alternatives and other personnel practices as they relate to comparable worth.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund Appropriation \$ 41,071,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$102,500 is provided solely for the task force on city and county finances to meet the requirements of RCW 82.14.301.

(2) \$10,000 is provided solely for expenses related to the meetings and conferences of the Pacific northwest economic region established under chapter 251, Laws of 1991 (Substitute Senate Bill No. 5008, Pacific northwest economic region).

NEW SECTION. Sec. 103. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ 2,384,000

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ 2,858,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Fund

Appropriation \$ 1,280,000

The appropriation in this section is subject to the following conditions and limitations: The office shall provide all necessary services for the department of retirement systems within the funds appropriated in this section.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund Appropriation \$ 8,623,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be transferred to the legislative systems revolving fund.

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ 6,898,000

The appropriation in this section is subject to the following conditions and limitations: \$15,000 is provided solely for the expenses of the law revision commission under chapter 1.30 RCW.

NEW SECTION. Sec. 108. FOR THE REDISTRICTING COMMISSION

General Fund Appropriation \$ 888,000

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund Appropriation \$ 15,060,000

The appropriation in this section is subject to the following conditions and limitations: \$6,118,000 is provided solely for the indigent appeals program.

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund Appropriation \$ 3,189,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund Appropriation \$ 15,620,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund Appropriation \$ 955,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$ 26,552,000

Public Safety and Education Account

Appropriation \$ 28,409,000

TOTAL APPROPRIATION \$ 54,961,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,543,000 of the general fund appropriation is provided solely for the superior court judges program. Of this amount, a maximum of \$150,000 may be used to reimburse county superior courts for superior court judges temporarily assigned to other counties that are experiencing large and sudden surges in criminal filings. Reimbursement shall be limited to per diem and travel expenses of assigned judges.

(2) \$1,744,000 of the public safety and education account appropriation is provided solely to install the district court information system (DISCIS) at forty-two district court sites. When providing equipment upgrades to an existing site, an equal amount of local matching funds shall be provided by the local jurisdictions.

(3) \$217,000 of the public safety and education account appropriation is provided solely to contract with the state board for community college education to pay for court interpreter training classes in at least six community colleges for a total of at least 200 financially needy students, who shall be charged reduced tuition based on level of need. Other students may be served by charging the full tuition needed to recover costs.

(4) \$725,000 of the general fund appropriation is provided solely to implement chapter 127, Laws of 1991 (Second Substitute Senate Bill No. 5127, foster care citizen review).

(5) \$7,875,000 of the public safety and education account appropriation is provided solely for the continuation of treatment-alternatives-to-street-crimes (TASC) programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties.

NEW SECTION. Sec. 114. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$ 7,773,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$186,000 is provided solely for mansion maintenance.

(2) \$500,000 is provided solely for extradition expenses to carry out RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(3) \$207,000 is provided solely for two FTE staff to implement chapter 24, Laws of 1991 (Substitute House Bill No. 1800, office of international relations).

NEW SECTION. Sec. 115. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 286,000

NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation \$ 524,000

NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation \$ 1,884,000

The appropriation in this section is subject to the following conditions and limitations: \$25,000 is provided solely to implement a system to track gratuities received by elected officials and other persons required to report under state public disclosure laws.

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE

General Fund Appropriation \$ 8,618,000

Archives and Records Management Account

Appropriation \$ 3,612,000

Savings Recovery Account

Appropriation \$ 569,000

TOTAL APPROPRIATION \$ 12,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$809,000 of the general fund appropriation is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures.

(2) \$2,919,000 of the general fund appropriation is provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund Appropriation \$ 318,000

NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund Appropriation \$ 370,000

NEW SECTION. Sec. 121. FOR THE STATE TREASURER

Motor Vehicle Account Appropriation \$ 44,000

State Treasurer's Service Fund Appropriation \$ 9,571,000

TOTAL APPROPRIATION \$ 9,615,000

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund Appropriation \$ 615,000

Motor Vehicle Fund Appropriation \$ 243,000

Municipal Revolving Fund Appropriation \$ 19,319,000

Auditing Services Revolving Fund Appropriation	\$	11,269,000
TOTAL APPROPRIATION	\$	31,446,000

The appropriations in this section are subject to the following conditions and limitations: \$280,000 of the auditing services revolving fund appropriation is provided solely for the whistleblower program.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund Appropriation	\$	82,000
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NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation	\$	6,264,000
General Fund--Federal Appropriation	\$	1,589,000
Public Safety and Education Account Appropriation	\$	1,736,000
Legal Services Revolving Fund Appropriation	\$	90,555,000
Motor Vehicle Fund Appropriation	\$	727,000
New Motor Vehicle Arbitration Account		
Appropriation	\$	1,742,000
TOTAL APPROPRIATION	\$	102,613,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report on actual legal services expenditures and actual attorney and support staffing levels for each agency receiving legal services. A report covering fiscal year 1992 shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives by September 1, 1992.

(2) Beginning July 1, 1992, the attorney general shall include, at a minimum, the following information with each bill sent to agencies receiving legal services: (a) The number of hours and cost of attorney services provided during the billing period; (b) the number of hours and cost of support staff services provided during the billing period; (c) attorney general overhead and central support costs charged to the agency for the billing period; (d) direct legal costs, such as filing and docket fees, charged to the agency for the billing period; and (e) other costs charged to the agency for the billing period. If requested by an agency receiving legal services, the attorney general shall provide the information required in this subsection by program.

(3) \$1,736,000 of the public safety and education account appropriation is provided solely for the attorney general's criminal litigation unit.

NEW SECTION. Sec. 125. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund Appropriation	\$	868,000
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NEW SECTION. Sec. 126. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation	\$	20,563,000
General Fund--Federal Appropriation	\$	101,000
Savings Recovery Account Appropriation	\$	1,932,000
Public Safety and Education Account		
Appropriation	\$	290,000
Motor Vehicle Fund Appropriation	\$	108,000
TOTAL APPROPRIATION	\$	22,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the office of financial management shall conduct a state-wide study on the status of minority- and women-owned businesses. The office shall report the findings of this study to the trade and economic development committee of the house of representatives and the commerce and labor committee of the senate by December 1, 1991.

(2) \$1,500,000 of the general fund--state appropriation is provided solely for a commission on student learning. This amount includes funding for a director and staff for the commission, contracts with teachers, faculty, administrators, and other consultants or organizations to assist the work of the commission, and for other necessary activities.

(3) The appropriations in this section include amounts sufficient to implement section 13 of chapter 36, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's mental health).

(4) The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department to personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

NEW SECTION. Sec. 127. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Fund

Appropriation \$ 11,730,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund

Appropriation \$ 17,178,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$65,000 is provided solely to increase advertising for employment opportunities with the state.

(2) \$121,000 is provided solely for an executive search specialist in the department to be utilized by all state agencies.

(3) The office of financial management and the department of personnel shall jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the department of personnel. The two agencies shall jointly submit the reconciled lists to the legislative fiscal committees by September 1, 1991.

NEW SECTION. Sec. 129. FOR THE COMMITTEE FOR DEFERRED COMPENSATION

General Fund Appropriation \$ 384,000

The appropriation in this section is subject to the following conditions and limitations: \$351,000 is provided solely for the administration of a state employee salary reduction plan for dependent care assistance.

NEW SECTION. Sec. 130. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account Appropriation \$ 18,658,000

NEW SECTION. Sec. 131. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund Appropriation \$ 401,000

NEW SECTION. Sec. 132. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Fund

Appropriation \$ 862,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Fund

Appropriation \$ 27,791,000

The appropriation in this section is subject to the following conditions and limitations: \$2,403,000 is provided solely for information systems projects known by the following names or successor names: Support of member database, support of audit, and audit of member files. Authority to expend this amount is conditioned on compliance with section 902 of this act. The department shall report to the fiscal committees of the senate and house of representatives on the status of the member database project by January 15, 1992.

NEW SECTION. Sec. 134. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account

Appropriation \$ 4,555,000

The appropriation in this section is subject to the following conditions and limitations: \$1,700,000 is provided solely for one-time expenditures incurred in exercising the board's fiduciary responsibilities associated with managing trust and retirement funds. The moneys provided in this subsection shall not be used to obligate the board to any on-going expenses, including equipment lease-purchase agreements, or the employment of permanent staff. The board shall report to the fiscal committees of the senate and house of representatives by January 15, 1992, on the use of the moneys provided in this subsection.

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$ 91,543,000
Timber Tax Distribution Account Appropriation	\$ 4,241,000
State Toxics Control Account Appropriation	\$ 90,000
Solid Waste Management Account Appropriation	\$ 82,000
Pollution Liability Reinsurance Trust Account	
Appropriation	\$ 226,000
Vehicle Tire Recycling Account Appropriation	\$ 122,000
Air Operating Permit Account Appropriation	\$ 42,000
Oil/Hazardous Substance Cleanup Account	
Appropriation	\$ 27,000
TOTAL APPROPRIATION	\$ 96,373,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,660,000 of the general fund appropriation is provided solely for the information systems project known as "taxpayer account integration management". Authority to expend this amount is conditioned on compliance with section 902 of this act.

(2) \$668,000 of the general fund appropriation is provided solely to reimburse counties for property tax revenue losses resulting from enactment of chapters 203, 213, and 219, Laws of 1991 (Substitute Senate Bill No. 5110, House Bill No. 1299, House Bill No. 1642; senior citizens' tax exemptions).

(3) \$168,000 of the general fund--state appropriation is provided solely for the implementation of chapter 218, Laws of 1991 (Substitute House Bill No. 1301, property tax administrative practices).

NEW SECTION. Sec. 136. FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$ 1,572,000
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NEW SECTION. Sec. 137. FOR THE MUNICIPAL RESEARCH COUNCIL

General Fund Appropriation	\$ 2,385,000
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NEW SECTION. Sec. 138. FOR THE UNIFORM LEGISLATION COMMISSION

General Fund Appropriation	\$ 49,000
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NEW SECTION. Sec. 139. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$ 2,319,000
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NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation	\$ 5,119,000
General Fund--Federal Appropriation	\$ 1,649,000
General Fund--Private/Local Appropriation	\$ 274,000
Savings Recovery Account Appropriation	\$ 1,070,000
Risk Management Account Appropriation	\$ 1,192,000
Motor Transport Account Appropriation	\$ 8,568,000
Central Stores Revolving Account Appropriation	\$ 4,365,000
Air Pollution Control Account Appropriation	\$ 111,000

General Administration Facilities and Services

Revolving Fund Appropriation	\$	19,592,000
TOTAL APPROPRIATION	\$	41,940,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$22,000 of the motor transport account appropriation and \$111,000 of the air pollution control account appropriation are provided solely to implement the department's responsibilities under chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air quality).

(2) \$2,850,000 of the motor transport account appropriation is provided solely for replacement of motor vehicles through the state treasurer's financing contract program under chapter 39.94 RCW. The department may acquire new motor vehicles only to replace and not to increase the number of motor vehicles within the department's fleet.

(3) \$4,365,000 of the central stores revolving fund appropriation is provided solely for the purchasing and contract administration activities of the office of state procurement, division of purchasing, as provided in RCW 43.19.1923. Of this amount \$555,000 is provided solely to implement chapter 297, Laws of 1991 (Second Substitute Senate Bill No. 5143, purchasing recycled goods).

(4) \$117,000 of the general administration facilities and services revolving fund appropriation is provided solely to assist state agencies in processing asbestos claims.

(5) The department shall develop a consolidated mail service to handle all incoming mail in the 98504 zip code area, as well as all outgoing mail of executive branch agencies in the Olympia, Tumwater, and Lacey area, as determined by the director of general administration. Upon request, the department shall also provide outgoing mail services to legislative and judicial agencies in the Olympia, Tumwater, and Lacey area. For purposes of administering the consolidated mail service, the director shall:

(a) Determine the nature and extent of agency participation in the service, including the phasing of participation;

(b) Subject to the approval of the director of financial management and in compliance with applicable personnel laws, transfer employees and equipment from other agencies to the department when the director determines that such transfers will further the efficiency of the consolidated mail service. The director of financial management shall ensure that there are no net increases in state-wide staffing levels as a result of providing services currently being performed by state agencies through the consolidated mail service;

(c) Periodically assess charges on participating agencies to recover the cost of providing consolidated mail services;

(d) Accurately account for all costs incurred in implementation of the consolidated mail operation, and document any cost savings or avoidances; and

(e) By September 1, 1992, report to the appropriate committees of the legislature on the implementation of the service, including documentation of cost savings or avoidances achieved from the consolidation of mail services during fiscal year 1992.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund Appropriation	\$	428,000
Data Processing Revolving Fund Appropriation	\$	1,379,000
TOTAL APPROPRIATION	\$	1,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$428,000 of the general fund appropriation is provided solely to complete the video telecommunications demonstration project begun by the department during the 1989-91 biennium. Authority to spend this amount is conditioned on compliance with section 903 of this act.

(2) The department shall report to the appropriate committees of the legislature by January 15, 1992, on the state's information systems development, review, and approval process. The report shall include recommendations on the appropriate roles and responsibilities of individual agencies, the department of information services, and the office of financial management.

NEW SECTION. Sec. 142. FOR THE PRESIDENTIAL ELECTORS

General Fund Appropriation \$ 1,000

NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER

Insurance Commissioner's Regulatory Account

Appropriation \$ 15,432,000

The appropriation in this section is subject to the following conditions and limitations: The insurance commissioner shall employ a fiscal analyst to (1) review financial statements and other data to discern potential financial difficulties of insurance companies admitted to do business in this state; (2) monitor the financial condition of admitted companies on a priority basis; (3) coordinate information within the insurance commissioner's office that relates to solvency conditions; and (4) analyze the financial statements of foreign companies seeking admission in this state in order to expedite the admissions process.

NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation \$ 523,000

Certified Public Accountants' Account

Appropriation \$ 669,000

TOTAL APPROPRIATION \$ 1,192,000

NEW SECTION. Sec. 145. FOR THE DEATH INVESTIGATION COUNCIL

Death Investigations Account Appropriation \$ 12,000

NEW SECTION. Sec. 146. FOR THE PROFESSIONAL ATHLETIC COMMISSION

General Fund Appropriation \$ 144,000

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation \$ 4,865,000

The appropriation in this section is subject to the following conditions and limitations:

(1) None of this appropriation may be used for the purpose of certifying Washington-bred horses under RCW 67.16.075.

(2) \$91,000 of this appropriation is provided solely for additional coordinators for satellite betting sites. This amount may be expended only during the fiscal period ending June 30, 1992.

NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$ 106,415,000

The appropriation in this section is subject to the following conditions and limitations: \$2,847,000 is provided solely to implement Senate Bill No. 5560 (cigarette tax enforcement). If the bill is not enacted by July 31, 1991, the amount provided shall lapse.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation \$ 29,189,000

Grade Crossing Protective Fund Appropriation \$ 320,000

TOTAL APPROPRIATION \$ 29,509,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the public service revolving fund appropriation is provided solely for the purpose of contracting with the state energy office to develop plans and recommendations to expand the availability of compressed natural gas refueling stations

for motor vehicles, pursuant to chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028).

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIRE FIGHTERS

Volunteer Fire Fighters' Relief and Pension
 Administrative Fund Appropriation \$ 373,000

NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation \$ 9,549,000
 General Fund--Federal Appropriation \$ 7,582,000
 General Fund--Private/Local
 Appropriation \$ 180,000
TOTAL APPROPRIATION \$ 17,311,000

The appropriations in this section are subject to the following conditions and limitations: \$10,000 of the general fund--state appropriation is provided to the public affairs office for headquarters STARC, Camp Murray, Washington air national guard solely for the purpose of a publication to assist in the recruitment and retention of the Washington national guard.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation \$ 2,176,000

"PART II
 HUMAN SERVICES"

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law, or unless the services were provided on March 1, 1991. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act, and an equal amount of appropriated state general fund moneys shall lapse. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) Appropriations in this act derived from the \$31,600,000 federal child care block grant and the Title IV-A grant are subject to the following conditions and limitations:

(a) \$13,290,000 is provided solely for vendor rate increases for child care facilities. Increases by cluster shall result in rates set at a uniform percentile of child care provider rates across clusters. Rates set by other methods shall result in the same percentage increase as the state-wide average increase for rates set by cluster. The department shall transfer rate increase funds among child care programs as necessary to maintain a uniform rate policy.

(b) \$6,200,000 is provided solely for funding the early childhood education and assistance program in the department of community development.

(c) \$4,901,000 of this amount is provided solely for block grants to communities for locally designated child care services. Distribution of this money shall take into

account the number of infants and children up to age 13 and the incidence of poverty in each community.

(d) \$1,000,000 is provided solely to contract with eligible providers for specialized child care and respite care for children of homeless parents. Providers shall demonstrate that licensed child-care facilities are available to provide specialized child care for children under six years of age. Respite child-care providers shall demonstrate that respite child care is available for children under six years of age and shall submit to a felony background check through the state patrol. Child-care services provided by shelters shall be subject to department of community development rules on applicant eligibility criteria. The total allocation to providers within a county shall be not less than twenty-five thousand dollars per fiscal year in counties that had at least one hundred children under the age of five served in emergency shelters for the preceding year as reported by the department of community development and not less than ten thousand dollars for all other counties. If Substitute Senate Bill No. 5653 (homeless child care) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(e) \$450,000 of this amount shall be deposited in the child care facility revolving fund for loans or grants to assist persons, businesses, or organizations to start or operate a licensed child care facility to the extent permitted by federal law, pursuant to chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(f) \$850,000 is provided solely as a fifty percent match of local funds to provide grants to child-care resource and referral programs that provide parents with information on child-care services; that provide parent-support services; that support child-care providers; that recruit licensed child-care providers, emphasizing areas with inadequate supply; that provide technical assistance to employers on employee child-care benefits; that provide information to state and local policymakers; and that collaborate with neighboring child-care providers to accurately describe demand in the area and coordinate efforts for the delivery of these services. If Substitute Senate Bill No. 5580 (child care referral) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(g) \$100,000 is provided solely for licensing and regulation activities of the department of social and health services.

(h) \$100,000 is provided solely for data collection, evaluation, and reporting activities of the department of social and health services.

(i) \$4,609,000 is provided solely to increase child care slots for low-income families.

(j) \$100,000 is provided solely for transfer through interagency agreement to the department of health to fund increased child care licensing workload.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation	\$	277,041,000
General Fund--Federal Appropriation	\$	174,174,000
Drug Enforcement and Education Account		
Appropriation	\$	4,000,000
Public Safety and Education Account		
Appropriation	\$	2,618,000
TOTAL APPROPRIATION	\$	457,833,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the general fund--state appropriation is provided solely to implement chapter 364, Laws of 1991 (Engrossed Substitute Senate Bill No. 5025, youth and family services) subject to the following conditions and limitations.

(a) \$94,000 of this amount is provided solely for an evaluation of family reconciliation services pursuant to section 1, chapter 364, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5025, youth and family services).

(b) \$650,000 is provided solely to expand family reconciliation services.

(c) \$256,000 is provided solely to expand homebuilder services to Whatcom county on July 1, 1992.

(2) \$5,902,000 of the general fund--state appropriation and \$1,081,000 of the general fund--federal appropriation are provided solely for vendor rate increases of five percent on January 1, 1992, and on January 1, 1993, for children's out-of-home residential providers except interim care, including but not limited to foster parents and child placement agencies, and 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993, for other providers, except child care providers.

(3) \$1,350,000 of the general fund--state appropriation is provided solely for the continuation of the family violence pilot project and to initiate one new project at a cost of no more than \$350,000.

(4) \$1,150,000 of the general fund--state appropriation is provided solely to implement a therapeutic home program under section 2 of chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, children's services).

(5) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 283, Laws of 1991 (Second Substitute Senate Bill No. 5341, foster parent liability insurance).

(6) \$110,000 of the general fund--state appropriation is provided solely for volunteers of America of Spokane's crosswalk project.

(7) \$3,300,000 of the general fund--state appropriation is provided solely for direct services provided by four existing continuum of care projects.

(8) \$900,000 of the drug enforcement and education account appropriation and \$300,000 of the general fund--state appropriation are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to twelve children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility also shall provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract. The department shall solicit proposals from current pediatric interim care providers. The department shall select a provider from among the current pediatric interim care providers through an accelerated selection process by August 15, 1991. The contract shall be awarded by August 15, 1991.

(9) \$700,000 of the general fund--state appropriation and \$299,000 of the drug enforcement and education account appropriation are provided solely for up to three nonfacility based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility based programs, preference shall be given to programs whose federal or private funding sources have expired or have successfully performed under the existing pediatric interim care program. The department shall select providers under this subsection using an accelerated selection process, to be completed no later than August 15, 1991.

(10) The amounts in subsections (8) and (9) of this section may be used to continue the existing pediatric interim care programs through August 15, 1991.

(11) \$200,000 of the public safety and education account is provided solely to implement sections 11 and 12, chapter 301, Laws of 1991 (Engrossed Substitute House Bill No. 1884, domestic violence programs).

(12) Up to \$25,000 of the general fund--state appropriation is provided to implement section 7 of chapter 301, Laws of 1991 (Substitute House Bill No. 1884, domestic violence programs).

(13) \$1,500,000 of the general fund--state appropriation is provided solely for increased funding for domestic violence programs.

(14) The department shall not continue adoption support payments under RCW 74.13.109 beyond the age of eighteen years.

(15) \$480,000 of the general fund--state appropriation is provided solely for purchase of service and for grants to nonprofit child placement agencies licensed under chapter 74.15 RCW to recruit potential adoptive parents for, and place for adoption, children with physical, mental, or emotional disabilities, children who are part of a sibling group, children over age 10, and minority or limited English-speaking children.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$	57,604,000
General Fund--Federal Appropriation	\$	135,000
Drug Enforcement and Education Account Appropriation	\$	1,762,000
TOTAL APPROPRIATION	\$	59,501,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,117,000 of the general fund--state appropriation is provided solely to provide vendor rate increases of five percent on January 1, 1992, and five percent on January 1, 1993, to juvenile rehabilitation group homes, and 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993, for other vendors.

(b) \$1,501,000 of the general fund--state appropriation is provided solely to expand option B community services to divert additional youth equivalent to fifty-nine beds in FY 1992 and seventy-two beds in FY 1993. Actual expenditures shall be proportionate to the annual beds saved within state institutions, up to the funding level provided.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	54,370,000
General Fund--Federal Appropriation	\$	949,000
Drug Enforcement and Education Account Appropriation	\$	940,000
TOTAL APPROPRIATION	\$	56,259,000

(3) PROGRAM SUPPORT

General Fund Appropriation	\$	4,390,000
Drug Enforcement and Education Account Appropriation	\$	342,000
TOTAL APPROPRIATION	\$	4,732,000

The appropriations in this subsection are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation is provided solely to implement chapter 234, Laws of 1991 (Second Substitute Senate Bill No. 5167, juvenile justice act), including section 2 of the act.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation	\$	235,715,000
General Fund--Federal Appropriation	\$	110,751,000
General Fund--Local Appropriation	\$	3,360,000

TOTAL APPROPRIATION \$ 349,826,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$6,213,000 of the general fund--state appropriation and \$2,863,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(b) \$33,021,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided for the continued implementation of chapter 206, Laws of 1989, as amended, and other community enhancements. Of this amount:

(i) \$7,200,000 is provided solely to implement sections 1(16) and 2(8) of chapter 262, Laws of 1991 (Second Substitute Senate Bill No. 5667, evaluation/treatment access).

(ii) \$400,000 of the general fund--state appropriation is provided solely for Pierce county for costs related to the administration of the involuntary treatment act.

(iii) \$17,582,000 is provided solely to expand mental health service capacity in a manner to be determined by the regional support networks. However, community services that will reduce the populations of the state hospitals shall have first priority for these funds.

(iv) \$1,900,000 of the general fund--state appropriation is provided solely for regional support networks for acquisition and implementation of local management information systems in compliance with RCW 71.24.035. These information systems shall assure exchange of state required core data concerning mental health programs. The department of social and health services shall contract with regional support networks for these information systems.

(v) \$1,600,000 of the general fund--state appropriation is provided solely for an integrated information system which allows for assured exchange of state required core data in compliance with RCW 71.24.035. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(vi) \$589,000 of the general fund--state appropriation is provided solely to establish the Grays Harbor regional support network by January 1, 1992.

(vii) \$500,000 of the general fund--state appropriation is provided solely to implement section 14, chapter 326, Laws of 1991 (Engrossed Substitute House Bill No. 1608, services for children).

(viii) \$750,000 of the general fund--state appropriation and \$250,000 of the general fund--federal appropriation are provided solely for up to five performance-based contracts for the delivery of children's mental health services with regional support networks that have developed interagency children's mental health services delivery plans. To be eligible for a contract, the interagency children's mental health services delivery plan shall:

(A) Involve the major child-serving systems, including education, child welfare, and juvenile justice, in the county or counties served by the regional support network, in a coordinated system for delivery of children's mental health services; and

(B) Include mechanisms for interagency case planning, where necessary, that do not result in duplicative case management, to meet the mental health needs of children served through the plan.

(c) \$1,500,000 of the general fund--state appropriation is provided solely for transportation services.

(d) \$2,000,000 of the general fund--state appropriation is provided solely to enroll an additional four counties in the regional support network program by January 1993.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	237,703,000
General Fund--Federal Appropriation	\$	13,604,000
TOTAL APPROPRIATION	\$	251,307,000

(3) CIVIL COMMITMENT

General Fund--State Appropriation	\$	4,908,000
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(4) SPECIAL PROJECTS

General Fund--State Appropriation	\$	1,917,000
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General Fund--Federal Appropriation	\$	2,966,000
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TOTAL APPROPRIATION	\$	4,883,000
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The appropriations in this subsection are subject to the following conditions and limitations: \$59,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(5) PROGRAM SUPPORT

General Fund--State Appropriation	\$	6,197,000
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General Fund--Federal Appropriation	\$	1,887,000
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TOTAL APPROPRIATION	\$	8,084,000
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The appropriations in this section are subject to the following conditions and limitations: \$338,000 from the general fund--state appropriation is provided solely for transfer by interagency agreement to the University of Washington for an evaluation of mental health reform. The legislative budget committee shall review the evaluation work plan and deliverables. The indirect cost rate for this study shall be the same as that for the first steps evaluation.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation	\$	189,332,000
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General Fund--Federal Appropriation	\$	111,394,000
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TOTAL APPROPRIATION	\$	300,726,000
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The appropriations in this subsection are subject to the following conditions and limitations:

(a) Community-based services shall be provided for at least two hundred fifty clients who during the 1991-93 biennium transfer from state residential habilitation centers to state or federally funded community placements. No more than one hundred twenty-five of these clients may be provided community-based residential services through the state-operated living alternative community residential program (SOLA). If fewer than one hundred twenty-five clients choose the (SOLA) program, any savings shall be applied to the stabilization of existing community-based vocational programs for the developmentally disabled.

(b) The department shall continue to use King county for the administration of community-based residential services.

(c) \$500,000 of the general fund--state appropriation, or as much thereof as may be necessary, is provided solely for tenant or intensive tenant support services for clients of group homes of over fifteen clients that demonstrate difficulty in meeting departmental standards.

(d) \$706,000 of the general fund--state appropriation and \$815,000 of the general fund--federal appropriation are provided solely for community-based residential programs for twelve clients under the care of the united cerebral palsy intermediate care facility for the mentally retarded.

(e) \$3,150,000 of the general fund--state appropriation and \$3,698,000 of the general fund--federal appropriation are provided solely for community-based services for developmentally disabled persons who have transferred from Western State Hospital or Eastern State Hospital to the community or who in the judgment of the secretary are at risk of being committed to either hospital.

(f) \$1,500,000 of the general fund--state appropriation is provided solely for the family support services program.

(g) \$7,200,000 of the general fund--state appropriation and \$7,200,000 of the general fund--federal appropriation are provided solely for additional clients in the state-operated living alternative community residential program (SOLA) who previously resided in residential habilitation centers. Any of these amounts used for employment or day programs shall be used to contract with private community providers.

(h) \$5,900,000 of the general fund--state appropriation and \$5,900,000 of the general fund--federal appropriation are provided solely for additional clients in privately operated community residential programs who previously resided in residential habilitation centers.

(i) \$1,800,000 of the general fund--state appropriation and \$600,000 of the general fund--federal appropriation are provided solely for costs related to additional case management.

(j) \$800,000 of the general fund--state appropriation and \$800,000 of the general fund--federal appropriation are provided solely for emergency community residential placements in lieu of placement at residential habilitation centers.

(k) \$1,924,000 of the general fund--state appropriation and \$1,465,000 of the general fund--federal appropriation are provided solely for community-based residential services for seventy clients transferred from Fircrest School to the community.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation	\$	115,404,000
General Fund--Federal Appropriation	\$	143,511,000
TOTAL APPROPRIATION	\$	258,915,000

(a) \$6,100,000 of the general fund--state appropriation and \$7,200,000 of the general fund--federal appropriation are provided solely for costs related to temporary staff at residential habilitation centers.

(b) \$400,000 of the general fund--state appropriation is provided solely for enhanced staff training.

(c) \$8,500,000 of the general fund--state appropriation is provided solely for persons who risk causing the loss of federal financial participation, or to the extent this amount is not necessary for that purpose and after approval by the office of financial management, for the stabilization of existing community programs, the expansion of community-based residential programs, and programs designed to keep clients in their own or a relative's home.

(3) PROGRAM SUPPORT

General Fund--State Appropriation	\$	5,638,000
General Fund--Federal Appropriation	\$	1,094,000
TOTAL APPROPRIATION	\$	6,732,000

The appropriations in this section are subject to the following conditions and limitations: \$1,040,000 of the general fund--state appropriation is provided solely to establish five regional centers representing all areas of the state and to provide grants to nonprofit community-based organizations to provide services for the deaf in each region. If Substitute Senate Bill No. 5458 (regional deaf centers) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--PROGRAM SUPPORT

The sum of \$200,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services for a contract with the center for disability policy and research of the University of Washington in the biennium ending June 30, 1993, for a suggested plan describing a ten-year schedule for the operation of state-funded services for the

developmentally disabled. The plan shall set priorities for the use of existing resources; include contingency plans for reduced, stable, and increased funding levels; include a strategy of operating residential habilitation centers, state-operated living alternatives, and community services; propose ways to use savings to serve unserved clients in the community; propose ways to maximize federal funds for the provision of community services; and evaluate the impact on clients moved from residential habilitation centers to community-based residences. In addition, the plan must address the mix of state and privately operated services and the stabilization of community services. In developing the plan, the center shall coordinate and cooperate with the department and the department shall provide such assistance to the center as may be necessary. In the planning process, the center shall consult with and report to the appropriate legislative committees.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--INTERLAKE SCHOOL

The sum of \$26,270,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services to operate, without the support of federal funds under the ICF/MR program pursuant to Title XIX of the federal social security act, the Interlake school during the 1991-93 fiscal biennium. This action will result in the withdrawal of the Interlake school from the federal ICF/MR program. The division of developmental disabilities shall convene an advisory committee of treatment professionals and parents or guardians of the residents of the Interlake school to ensure high-quality care for these residents after withdrawal from the federal program.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--COMMUNITY SERVICES EXPANSION

The sum of \$17,000,000, or so much thereof as may be necessary, is appropriated from the state general fund to the developmental disabilities program of the department of social and health services for the community services program to expand community-based services during the 1991-93 fiscal biennium. Of this appropriation:

(1) \$6,700,000 of the general fund appropriation is provided solely for expansion of employment programs for persons who have completed a high school curriculum within the previous two years.

(2) \$5,400,000 of the general fund appropriation is provided solely for employment programs for those persons who complete a high school curriculum during the 1991-93 biennium.

(3) \$4,200,000 of the general fund appropriation is provided solely to expand the family support services program.

(4) \$700,000 of the general fund appropriation is provided solely to add new cases to the early intervention services program.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM--COMMUNITY VENDOR RATES

The sums of \$10,834,000 from the general fund--state appropriation and \$5,480,000 from the general fund--federal appropriation, or so much thereof as may be necessary, are provided for vendor rate increases of six percent on January 1, 1992, and on January 1, 1993, to be used only for increases to vendors currently providing services and not for program expansion, to the department of social and health services, developmental disabilities program for the biennium ending June 30, 1993.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--LONG-TERM CARE SERVICES

General Fund--State Appropriation	\$	565,033,000
General Fund--Federal Appropriation	\$	665,949,000
TOTAL APPROPRIATION	\$	1,230,982,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Nursing home rates shall be adjusted for inflation under RCW 74.46.495 by 3.1 percent on July 1, 1991, and 3.4 percent on July 1, 1992.

(2) \$1,000,000 of the general fund--state appropriation is provided solely to increase the capacity of the chore services program.

(3) At least \$16,686,400 of the general fund--state appropriation shall initially be allotted for implementation of the senior citizens services act. However, at least \$1,290,300 of this amount shall be used solely for programs that use volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services programs.

(4) \$714,000 of the general fund--state appropriation is provided solely to continue funding for the volunteer chore services program.

(5) \$5,276,000 of the general fund--state appropriation and \$3,171,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(6) \$5,001,000 of the general fund--state appropriation and \$3,751,000 of the general fund--federal appropriation are provided solely for salary and wage increases for chore workers (both contracted and individual providers), COPES workers (agency and individual providers), Title XIX personal care contracted workers, and respite care workers.

(7) \$1,477,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for increases in the assisted living program.

(8) \$100,000 of the general fund--state appropriation is provided solely for a prospective rate enhancement for nursing homes meeting all of the following conditions: (a) The nursing home entered into an arms-length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased facility after January 1, 1980; (c) the lessor defaulted on its loan or mortgage for the assets of the facility; (d) the facility is located in a county with a 1989 population of less than 45,000 and an area more than 5,000 square miles. The rate increase shall be effective July 1, 1990. To the extent possible, the increase shall recognize the 1982 fair market value of the nursing home's assets as determined by an appraisal contracted by the department of general administration. If necessary, the increase shall be granted from state funds only. In no case shall the annual value of the rate increase exceed \$50,000. The rate adjustment in this subsection shall not be implemented if it jeopardizes federal matching funds for qualifying facilities or the long-term care program in general. Funds may be disbursed on a monthly basis.

(9) Within the appropriations in this section, the department shall implement chapter 271, Laws of 1991 (Engrossed Substitute House Bill No. 2100, nursing homes/ethnic minorities).

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--INCOME ASSISTANCE PROGRAM

General Fund--State Appropriation	\$	601,519,000
General Fund--Federal Appropriation	\$	655,543,000
TOTAL APPROPRIATION	\$	1,257,062,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Payment levels in the programs for aid to families with dependent children, general assistance, and refugee assistance shall contain an energy allowance to offset the costs of energy. The allowance shall be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To

this end, up to \$230,000,000 of the income assistance payments is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8 or more
Exemption:	\$55	71	86	102	117	133	154	170

(2) \$1,100,000 of the general fund--state appropriation and \$1,173,000 of the general fund--federal appropriation are provided solely for a 3.1 percent vendor rate increase on January 1, 1992, and a 3.4 percent increase on January 1, 1993.

(3) \$21,404,000 of the general fund--state appropriation and \$25,887,000 of the general fund--federal appropriation are provided solely for a grant standard increase for aid for families with dependent children, the family independence program, general assistance--special and supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(4) \$1,008,000 of the general fund--state appropriation is provided solely to implement retrospective budgeting under RCW 74.04.005(6)(b)(ii).

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation	\$	45,437,000
General Fund--Federal Appropriation	\$	41,691,000
Drug Enforcement and Education Account		
State Appropriation	\$	38,236,000
TOTAL APPROPRIATION	\$	125,364,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,242,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$200,000 of the general fund--state appropriation is provided solely to add adult intensive inpatient treatment beds. The beds shall be procured from a nonprofit provider in Pierce county with existing capacity currently under contract with the department.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation	\$	968,684,000
General Fund--Federal Appropriation	\$	1,058,273,000
General Fund--Local Appropriation	\$	12,000,000
TOTAL APPROPRIATION	\$	2,038,957,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,853,000 of the general fund--state appropriation and \$11,832,000 of the general fund--federal appropriation is provided solely for a 3.1 percent vendor rate increase on January 1, 1992, and a 3.4 percent increase on January 1, 1993.

(2) \$2,262,000 of the general fund--state appropriation and \$2,763,000 of the general fund--federal appropriation is provided solely for the grant standard increase authorized in section 211 of this act.

(3) The department shall adopt measures to realize savings of \$7,500,000 in general fund--state expenditures for optional medicaid services or coverages as estimated in the March 1991 forecast estimate by the office of financial management. These limits or measures shall be effective no later than September 1, 1991, and shall be reported to the appropriate committees of the legislature by that date.

(4) The department shall establish standards for the use and frequency of use of reimbursable chiropractic services. The standards shall recognize the medical or therapeutic value of such services.

(5) The department shall continue disproportionate share payments and vendor payment advances to Harborview medical center. It is the intent of the legislature that Harborview medical center continue to be an economically viable component of the health care system and that the state's financial interest in Harborview medical center be recognized. To this end, the legislature requests that the chair of Harborview medical center board of trustees convene a work group consisting of state legislators and county elected officials, with representation from the University of Washington board of regents and administration, to discuss alternative governance strategies. The legislature requests that by December 1, 1991, the work group submit to appropriate legislative committees recommendations to improve the structure and governance process of Harborview medical center. It is the intent of the legislature that Harborview medical center maintain its high standards of care through active participation in health research. Therefore, the legislature expects Harborview medical center to proceed with the renovation of Harborview hall.

(6) The department is authorized under 42 U.S.C. Sec. 1396b(a)(1) to pay third-party health insurance premiums for categorically needy medical assistance recipients upon a determination that payment of the health insurance premium is cost effective. In determining cost effectiveness, the department shall compare the amount, duration, and scope of coverage offered under the medical assistance program.

(7) The department shall continue variable ratable reductions for the medically indigent and general assistance--unemployable programs in effect November 1, 1988.

(8) \$14,473,000 of the general fund--state appropriation and \$17,566,000 of the general fund--federal appropriation are provided solely for the adult dental program for Title XIX categorically eligible and medically needy persons.

(9) \$125,000 of the general fund--state appropriation and \$150,000 of the general fund--federal appropriation are provided solely for a prenatal care project. The project shall be designed to triage low-income pregnant women according to health needs and to refer them through an equitable client distribution system to appropriate maternity care providers. The project shall be located in an urban county designated as a maternity care distressed area, with a high need for such services, as evidenced by the number of women unable otherwise to obtain care and by the rate of infant mortality and similar factors. The department shall give preference to existing programs that are at risk of termination due to lack of funding.

(10) Not more than \$261,000 from the appropriations in this section may be expended to implement chapter 233, Laws of 1991 (Substitute Senate Bill No. 5010, occupational therapy), subject to the adoption of savings measures by the department under subsection (3) of this section.

(11) The department shall, no later than January 1, 1992:

(a) Develop and effect medical assistance procedural codes and payments schedules for the following diabetic services to be provided to eligible persons in her or his home:

- (i) Home blood monitoring;
- (ii) Insulination;
- (iii) Intensive insulin therapy; and
- (iv) Related foot care.

(b) Reimbursement for such services may be limited to registered nurses who are certified in diabetes education and physicians who are board certified in endocrinology or diabetology.

(12) Within appropriated funds, the department shall increase total payments to managed care providers to reduce the gap between each provider's rate and the amount that providers would have received if rates were set at the state-wide fee-for-service equivalent. The department shall reduce the gap in a uniform manner. These increased payments shall be made in the form of signing bonuses.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation	\$	16,601,000
General Fund--Federal Appropriation	\$	56,973,000
TOTAL APPROPRIATION	\$	73,574,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$91,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.
- (2) \$1,621,000 of the general fund--state appropriation and \$3,576,000 of the general fund--federal appropriation are provided solely to enhance vocational rehabilitation services.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation	\$	53,529,000
General Fund--Federal Appropriation	\$	37,706,000
Industrial Insurance Premium Refund Account		
Appropriation	\$	80,000
TOTAL APPROPRIATION	\$	91,315,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$400,000 of the general fund--state appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(1).
- (2) \$500,000 of the general fund--state appropriation is provided solely to implement section 28 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber family support centers).
- (3) \$6,500,000 of the general fund--state appropriation may be expended for the implementation of the automated client eligibility system (ACES) only after:
 - (a) The ACES advanced planning document for implementation is approved by the federal government;
 - (b) The ACES request for proposals for implementation is completed;
 - (c) The department complies with section 902 of this act; and
 - (d) The March 28, 1991, recommendations of the information services board are implemented.

If expenditures are made during fiscal year 1992 in compliance with this subsection, it is the intent of the legislature to appropriate to the department an equivalent sum in the 1992 supplemental appropriations act as replacement of the sums expended under this subsection.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund--State Appropriation	\$	221,996,000
General Fund--Federal Appropriation	\$	267,315,000
TOTAL APPROPRIATION	\$	489,311,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$266,000 of the general fund--state appropriation and \$50,000 of the general fund--federal appropriation are provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(2) \$1,748,000 of the general fund--state appropriation and \$1,748,000 of the general fund--federal appropriation are provided solely for the supplemental security income pilot project.

(3) \$500,000 of the general fund--state appropriation is provided solely to implant section 28 of Substitute Senate Bill No. 5555 (timber area assistance). If the bill is not enacted by July 31, 1991, the amount provided in this subsection shall lapse.

(4) \$266,000 of the general fund--state appropriation and \$492,000 of the general fund--federal appropriation are provided solely for development costs of the automated client eligibility system. Authority to expend these funds is conditioned on compliance with section 902 of this act.

(5) \$435,000 is provided solely for transfer by interagency agreement to the University of Washington for the continuation of the first steps evaluation. The legislative budget committee shall review the evaluation progress and deliverables. Overhead on the research contract shall continue at the 1989-91 level.

(6) Twenty percent of the local office staffing added for increased caseload shall be deployed to expand evening and/or weekend service hours. The department shall attempt to make these expanded hours consistent from week to week at any given site. The department shall inform recipients of the availability of expanded hours to assist them in the transition from public assistance to work. The department shall try to schedule appointments for recipients who work during these expanded hours. The department, to the extent practicable, shall provide these expanded hours through flexible employee work hours and other methods that do not require overtime.

(7) \$250,000 of the general fund--state appropriation is provided solely for the delivery of information to new immigrants and legal aliens. The program shall emphasize information needed to help these individuals become healthy, productive members of their communities.

(8) The department shall establish procedures for the timely referral of general assistance clients not meeting the criteria for supplemental security income to employment, vocational, and educational services designed to assist them in entering the work force.

(9) \$636,600 of the general fund--state appropriation and \$1,181,400 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the legislative budget committee for an independent evaluation of the family independence program as required by section 14, chapter 434, Laws of 1987.

(10) \$1,000,000 of the general fund--state appropriation and \$1,000,000 of the general fund--federal appropriation are provided solely for transfer by interagency agreement to the institute for public policy at The Evergreen State College to continue to conduct a longitudinal study for public assistance recipients, pursuant to section 14, chapter 434, Laws of 1987.

(11) \$800,000 of the general fund--state appropriation is provided solely to expand refugee services.

(12) \$442,000 of the general fund--state appropriation and \$1,214,000 of the general fund--federal appropriation are provided solely for a grant standard increase for aid to families with dependent children, the family independence program, general assistance--special, supplemental security income additional requirements, consolidated emergency assistance, and refugee assistance. The increase shall equal 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

(13) \$600,000 of the general fund--state appropriation is provided solely for transfer by interagency agreement to the office of the superintendent of public instruction for the purpose of English as a second language courses.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--REVENUE COLLECTIONS PROGRAM

General Fund--State Appropriation \$ 43,979,000

General Fund--Federal Appropriation	\$	90,407,000
General Fund--Local Appropriation	\$	280,000
Public Safety and Education Account Appropriation	\$	5,100,000
TOTAL APPROPRIATION	\$	139,766,000

The appropriations in this section are subject to the following conditions and limitations: \$5,100,000 from the public safety and education account appropriation is provided solely to county officials to provide child support enforcement services.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation	\$	33,062,000
General Fund--Federal Appropriation	\$	11,516,000
TOTAL APPROPRIATION	\$	44,578,000

NEW SECTION. Sec. 219. FOR THE WASHINGTON STATE HEALTH CARE AUTHORITY

State Health Care Authority Administrative Account		
Appropriation	\$	9,357,000
General Fund Appropriation	\$	366,000
TOTAL APPROPRIATION	\$	9,723,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,261,000 of the state health care authority administrative account appropriation is provided solely to implement the recommendations of the health care purchasing study concerning the use of diagnostic-related groups for hospital care, the implementation of a resource-based relative value scale for physicians' fees, and new prescription drug policies. The departments of social and health services, veteran's affairs, health, corrections, and other state agencies that purchase or oversee health care services shall work cooperatively with the health care authority to implement the study's recommendations.

(2) The state employees' benefits board shall consider developing and offering to employees a health care benefit plan that minimizes the impact of deductibles, copayments, or coinsurance on lower-paid employees by using a sliding scale or a means test for out-of-pocket expenses.

(3) The general fund appropriation is provided solely for the operations of the health care commission.

(4) The health care authority shall conduct a study of health care coverage for retired and disabled state, local government, and public school employees. The study shall include, but not be limited to:

(a) Collection of information regarding the cost to both employers and retired or disabled employees of health care coverage, the level of employer subsidization of retiree health care premiums, and the types and prevalence of use of coverage available through employers;

(b) Evaluation of the feasibility and cost of allowing retired and disabled public employees to continue coverage under plans offered through their employers at a reasonable cost to the employees;

(c) Evaluation of the feasibility and cost of allowing retired and disabled public employees to participate in plans offered by the state employees' benefits board even if the employees did not participate in such plans while active; and

(d) Development of mechanisms to prefund health care coverage for retired and disabled employees.

The health care authority may form technical advisory committees with representatives from active and retired employee groups, employers, the legislature, the executive branch, and the private sector to assist with the study. The health care authority shall submit its findings and recommendations to the governor and the legislature by December 1, 1991.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund--State Appropriation	\$	102,767,000
General Fund--Federal Appropriation	\$	153,195,000
General Fund--Private/Local Appropriation	\$	1,370,000
Public Safety and Education Account Appropriation	\$	5,532,000
Building Code Council Account Appropriation	\$	924,000
Public Works Assistance Account Appropriation	\$	1,022,000
Fire Service Training Account Appropriation	\$	803,000
State Toxics Control Account Appropriation	\$	556,000
Drug Enforcement and Education Account Appropriation	\$	4,188,000
Low Income Weatherization Account Appropriation	\$	2,563,000
Washington Housing Trust Fund Appropriation	\$	13,500,000
Oil Spill Administration Account Appropriation	\$	395,000
TOTAL APPROPRIATION	\$	286,815,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,331,000 of the general fund--state appropriation and \$2,500,000 of the general fund--federal appropriation are provided solely for the early childhood education and assistance program.

(2) \$970,000 of the general fund--state appropriation is provided solely for the department to offer technical assistance to timber-dependent communities in economic diversification and revitalization efforts, as authorized by section 9, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(3) \$750,000 of the general fund--state appropriation is provided solely for mortgage assistance in timber-dependent communities as authorized in sections 23 through 27, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance).

(4) \$400,000 of the general fund--state appropriation is provided solely for a state-wide stabilization program for arts organizations that have annual budgets exceeding \$200,000. The grants authorized in this subsection shall be made to individual arts organizations. No portion of this amount may be expended for a grant without equal matching funds from nonstate sources. No organization may receive a grant without a written contract. No money may be paid under the contract unless the grantee has operated without a deficit during the contract period, which shall be for at least one year, beginning no earlier than July 1, 1991.

(5) \$50,000 of the general fund--state appropriation is provided solely as a pass-through grant to the city of Vancouver for costs associated with the Medal of Honor project.

(6) \$3,213,000 of the general fund--state appropriation is provided solely for emergency food assistance authorized under section 201, chapter 336, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger and nutrition). Of this amount, \$2,913,000 shall be allocated by the department for the purpose of supporting the operation of food banks, food distribution programs, and tribal voucher programs, for the purchase, transportation and storage of food under the emergency food assistance program. These funds may be used to purchase food for people with special nutritional needs. The remaining \$300,000 shall be allocated to food banks in timber-dependent communities, as defined in chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(7) \$20,000 of the general fund--state appropriation is provided solely for a grant for the Children's Museum.

(8) \$300,000 of the general fund--state appropriation is provided solely for continuation of the Washington state games.

(9) \$300,000 of the general fund--state appropriation is provided solely for continuation of the community economic diversification program under chapter 43.63A RCW.

(10) \$68,000 of the state building code council appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(11) \$14,539,000 of the general fund--state appropriation is provided solely for growth management planning grants to local governments.

(12) \$7,739,000 of the general fund--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1025 (growth management). If this bill is not enacted by July 31, 1991, \$5,239,000 of the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$4,250,000 is provided solely for planning grants to local governments additional to those provided for under subsection (11) of this section;

(b) \$1,000,000 is provided solely to conduct environmental planning pilot projects; and

(c) \$975,000 is provided solely to contract with the environmental hearings office for three growth planning hearings boards. A maximum of \$1,950,000 of the amount provided in this subsection (12) may be used for this purpose.

(13) \$7,955,000 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed as follows:

(a) \$4,400,000 to local units of government to continue existing local drug task forces.

(b) \$800,000 to local units of government for urban projects.

(c) \$766,000 to the department of community development to continue the state-wide drug prosecution assistance program.

(d) \$170,000 to the department of community development for a state-wide drug offense indigent defense program.

(e) \$440,000 to the department of community development for drug education programs in the common schools. The department shall give priority to programs in underserved areas. The department shall direct the funds to education programs that employ either local law enforcement officers or state troopers.

(f) \$50,000 to the Washington state patrol for data management.

(g) \$225,000 to the Washington state patrol for a technical support unit.

(h) \$375,000 to the Washington state patrol for support of law enforcement task forces.

(i) \$120,000 to the Washington state patrol for continued funding for a clandestine drug lab unit. The patrol shall coordinate activities related to the clandestine drug lab unit with the department of ecology to ensure maximum effectiveness of the program.

(j) \$150,000 to the Washington state patrol for coordination of local drug task forces.

(k) \$279,000 to the department of community development for allocation to public or private nonprofit groups or organizations with experience and expertise in the field of domestic violence, for the purpose of continuing existing domestic violence advocacy programs, providing legal and other assistance to victims and witnesses in court proceedings, and establishing new domestic violence advocacy programs.

(l) \$180,000 to the department of community development for general administration of grants.

(14) \$500,000 of the general fund--state appropriation is provided solely for fire protection contracts. The department shall award contracts for cities and towns where state-owned facilities constitute fifteen percent of the total valuation of property within

the jurisdiction, and where the city or town does not have an existing agreement with a state agency for fire protection reimbursement.

(15) \$1,080,000 of the general fund--state appropriation is provided solely for continuation of the urban-rural links grant program established under the growth management act of 1990.

(16) \$300,000 of the public safety and education account appropriation is provided solely for legal advocacy services to victims of sexual assault under chapter 267, Laws of 1991 (Engrossed Substitute House Bill No. 1534, sexual assault investigation).

(17) \$395,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(18) \$75,000 of the general fund--state appropriation is provided solely for the Mount St. Helen's monitoring system.

(19) \$340,000 of the general fund--state appropriation is provided solely to replace lost federal funds for continued support of the community development finance program.

(20) \$200,000 of the general fund--state appropriation is provided solely to continue assistance to Okanogan county to address impacts associated with tourism developments.

(21) \$46,000 of the general fund--state appropriation is provided solely to implement chapter 297, Laws of 1991 (Substitute Senate Bill No. 5143 recycled products).

(22) \$250,000 of the general fund--state appropriation is provided solely to provide technical assistance and managerial support to nonprofit community-based organizations by:

- (a) Acting as a clearinghouse for and providing information and referral services;
- (b) Providing management training courses designed for nonprofit managers, staff, and boards;
- (c) Providing direct assistance to individual organizations;
- (d) Assisting organizations in soliciting and managing volunteers; and
- (e) Coordinating activities with the state volunteer center, other state agencies, local service providers, and other volunteer organizations giving similar assistance.

If Substitute Senate Bill No. 5581 (community partnership program) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(23) \$40,000 of the general fund--state appropriation is provided solely to continue the circuit-rider program, which provides technical and managerial assistance to cities and counties.

(24) \$50,000 of the general fund--state appropriation is provided solely to provide technical assistance to local governments to help them implement screening procedures, service delivery standards, and cost recovery, and the other requirements of RCW 10.101.020, 10.101.030, and 10.101.040. If Substitute Senate Bill No. 5072 (indigent defense task force) is enacted by July 31, 1991, the amount provided in this subsection is provided solely to implement the bill.

(25) \$50,000 of the general fund--state appropriation is provided solely for Washington's share of costs associated with the Bi-State Policy Advisory Committee.

(26) The department shall not reduce grants or contracts in assistance of units of government without prior notification to the appropriate legislative committees.

(27) \$25,000 of the general fund--state appropriation is provided solely for a contract with an organization representing persons with disabilities. Under the contract, the organization shall provide legal advocacy to ensure that the state, as trustee, is fully complying with the fiduciary duties owed to persons with disabilities, pursuant to trusts established under state and federal law.

NEW SECTION. Sec. 221. FOR THE HUMAN RIGHTS COMMISSION
 General Fund--State Appropriation \$ 4,292,000

General Fund--Federal Appropriation	\$	942,000
General Fund--Private/Local Appropriation	\$	520,000
TOTAL APPROPRIATION	\$	5,754,000

The appropriations in this section are subject to the following conditions and limitations: \$520,000 of the general fund--local/private appropriation is provided solely for the provision of technical assistance services by the department.

NEW SECTION. Sec. 222. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Public Safety and Education Account		
Appropriation	\$	110,000
Worker and Community Right-to-Know Account		
Appropriation	\$	20,000
Accident Fund Appropriation	\$	8,373,000
Medical Aid Fund Appropriation	\$	8,373,000
TOTAL APPROPRIATION	\$	16,876,000

NEW SECTION. Sec. 223. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund Appropriation	\$	66,000
Death Investigations Account Appropriation	\$	36,000
Public Safety and Education Account		
Appropriation	\$	12,016,000
Drug Enforcement and Education Account		
Appropriation	\$	370,000
TOTAL APPROPRIATION	\$	12,488,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund appropriation is provided solely to implement chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, private detectives licensing).

(2) \$33,000 of the general fund appropriation is provided solely to implement chapter 334, Laws of 1991 (Second Substitute Senate Bill No. 5124, security guards licensing).

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation	\$	10,708,000
Public Safety and Education Account State		
Appropriation	\$	21,226,000
Public Safety and Education Account Federal		
Appropriation	\$	4,480,000
Accident Fund Appropriation	\$	131,416,000
Electrical License Fund Appropriation	\$	15,230,000
Farm Labor Revolving Account Appropriation	\$	30,000
Medical Aid Fund Appropriation	\$	148,883,000
Plumbing Certificate Fund Appropriation	\$	649,000
Pressure Systems Safety Fund Appropriation	\$	1,898,000
Worker and Community Right-to-Know Fund		
Appropriation	\$	2,112,000
TOTAL APPROPRIATION	\$	336,632,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,970,229 from the accident fund appropriation; \$7,265,063 from the medical aid fund appropriation; \$714,163 from the electrical license fund appropriation; \$41,139 from the plumbing certificate fund appropriation; \$92,956 from the pressure systems safety fund appropriation; \$317 from the public safety and education account

appropriation; and \$12,448 from the worker and community right-to-know fund appropriation are provided solely for information systems projects named in this section. Authority to expend these moneys is conditioned on compliance with section 902 of this act. For the purposes of this section, "information systems projects" means the projects known by the following names or successor names: Document imaging, state fund information system, safety and health information management system, and local area network/wide area network data communications.

(2) \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation are provided solely to implement Substitute Senate Bill No. 5374 (labor/management cooperative program).

(3) \$2,466,500 from the accident fund appropriation and \$2,466,500 from the medical aid fund appropriation is provided solely to increase the claims management staffing levels.

(4) \$263,500 from the accident fund appropriation and \$263,500 from the medical aid fund appropriation are provided solely to increase the staffing levels of the asbestos-related disease claims filed with the department.

(5) \$1,920,150 from the accident fund appropriation and \$338,850 from the medical aid fund appropriation are provided solely to increase staffing levels for work environment improvement safety and health package.

(6) \$70,000 from the accident fund appropriation and \$70,000 from the medical aid fund appropriation are provided solely to add one additional staff to establish a return-to-work program for all state agencies and institutions of higher education.

(7) \$42,000 of the medical aid fund appropriation and \$42,000 of the accident fund appropriation are provided solely for an additional adjudicator position to assist in monitoring complaints and compliance of self-insured employers.

NEW SECTION. Sec. 225. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund Appropriation	\$	3,247,000
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NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation	\$	21,839,000
General Fund--Federal Appropriation	\$	6,708,000
General Fund--Local Appropriation	\$	10,429,000
TOTAL APPROPRIATION	\$	38,976,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund--state appropriation is provided solely for the expansion of services for counseling of Vietnam veterans for post-traumatic stress disorder. This counseling shall be provided in a joint effort between existing community mental health systems and the department. The department shall place a priority on the delivery of these services to minority veterans.

NEW SECTION. Sec: 227. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation	\$	132,613,000
General Fund--Federal Appropriation	\$	109,011,000
General Fund--Local Appropriation	\$	16,100,000
Hospital Commission Account Appropriation	\$	2,919,000
Medical Disciplinary Account Appropriation	\$	1,677,000
Health Professions Account Appropriation	\$	25,237,000
Public Safety and Education Account Appropriation	\$	90,000
State Toxics Control Account Appropriation	\$	3,321,000
Drug Enforcement and Education Account Appropriation	\$	492,000
Medical Test Site Licensure Account		

Appropriation	\$	489,000
Safe Drinking Water Account Appropriation	\$	710,000
TOTAL APPROPRIATION	\$	292,659,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,312,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$3,500,000 of the general fund--state appropriation is provided solely to increase funding to regional AIDS service networks to address growth in the number of persons living with AIDS. Seventy-five percent of these funds shall be allocated on the basis of reported incidence of surviving Class IV AIDS cases and twenty-five percent shall be distributed on the basis of each region's population. Ongoing funding for each regional AIDS service network shall continue at 1989-91 levels.

(3) \$5,000,000 of the general fund--state appropriation is provided solely for enhancement of the women, infants, and children nutritional program pursuant to section 101, chapter 366, Laws of 1991 (Second Substitute Senate Bill No. 5568, hunger/nutritional problems).

(4) \$165,000 of the general fund--state appropriation is provided solely to provide inflation adjustments of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993 for current medical and dental services provided by community clinics.

(5) \$1,000,000 of the general fund--state appropriation is provided solely for expanding the high priority infant tracking program.

(6) \$2,410,000 of the general fund--state appropriation is provided solely to continue implementation of the trauma system plan.

(7) \$2,400,000 of the general fund--state appropriation is provided solely for expansion of migrant health clinic services.

(8) \$1,100,000 of the general fund--state appropriation is provided solely for expanding by 1000 the number of women funded through the state-only prenatal program.

(9) The entire safe drinking water account appropriation is provided solely to implement chapter 304, Laws of 1991 (Substitute House Bill No. 1709, water system operating permit).

(10) \$450,000 of the general fund--state appropriation provided solely for implementation of chapter 332, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health professions practice).

(11) \$1,000,000 of the general fund--state appropriation is provided solely for a grant to a nonprofit agency whose major goal is AIDS prevention and education.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY CORRECTIONS

General Fund Appropriation	\$	106,548,000
Drug Enforcement and Education Account		
Appropriation	\$	7,604,000
Public Safety and Education Account Appropriation	\$	200,000
TOTAL APPROPRIATION	\$	114,352,000

The appropriations in this subsection are limited to the following conditions and limitations:

(a) \$200,000 from the public safety and education account appropriation is provided solely for comprehensive local criminal justice planning under the county partnership program pursuant to RCW 72.09.300.

(b) \$75,000 of the general fund--state appropriation is provided solely to implement chapter 147, Laws of 1991 (Substitute Senate Bill No. 5128, witness notification).

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	358,209,000
Drug Enforcement and Education Account		
Appropriation	\$	25,837,000

TOTAL APPROPRIATION	\$	384,046,000
(3) ADMINISTRATION AND PROGRAM SUPPORT		
General Fund Appropriation	\$	37,651,000
Drug Enforcement and Education Account Appropriation	\$	2,140,000
Industrial Insurance Premium Refund Account Appropriation	\$	72,000
TOTAL APPROPRIATION	\$	39,863,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$350,000 of the general fund appropriation is provided solely to mitigate the impact of state institutions on local communities in the manner provided under RCW 72.72.030(2).

(b) \$125,000 of the general fund appropriation is provided solely for an additional affirmative action officer.

(4) CORRECTIONAL INDUSTRIES

General Fund Appropriation	\$	3,526,000
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NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation	\$	2,957,000
General Fund--Federal Appropriation	\$	7,969,000
TOTAL APPROPRIATION	\$	10,926,000

The appropriations in this section are subject to the following conditions and limitations: \$47,000 of the general fund--state appropriation is provided solely for vendor rate increases of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993.

NEW SECTION. Sec. 230. FOR THE WASHINGTON BASIC HEALTH PLAN

General Fund Appropriation	\$	45,768,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The basic health plan may enroll up to 24,000 members during the 1991-93 biennium.

(2) At least 2,000 of the 4,000 members added must be from timber communities on the Olympic Peninsula and southwest Washington that were not served by the plan during 1989-91, pursuant to section 22, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber assistance).

(3) Plan enrollment may exceed 24,000 by up to 1,300, beginning January 1, 1993, if coordination of benefits with medicaid is in place and will result in savings of at least \$4,500,000 from the state general fund by June 30, 1993. Before expanding enrollment, the plan shall report to the fiscal committees of the house of representatives and senate on the anticipated savings level.

(4) A maximum of \$4,151,000 of the general fund appropriation may be expended for administration of the plan.

NEW SECTION. Sec. 231. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	628,000
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NEW SECTION. Sec. 232. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation	\$	32,000
General Fund--Federal Appropriation	\$	133,302,000
General Fund--Local Appropriation	\$	9,329,000
Administrative Contingency Fund--Federal Appropriation	\$	11,808,000
Unemployment Compensation Administration Fund		

Federal Appropriation	\$	130,803,000
Employment Service Administration Account		
Federal Appropriation	\$	9,837,000
TOTAL APPROPRIATION	\$	295,111,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,278,000 of the unemployment compensation administration fund--federal appropriation is provided solely to implement sections 3, 4, 5 and 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for administration of extended unemployment benefits.

(2) \$70,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 30 of chapter 315, Laws of 1991, (Engrossed Substitute Senate Bill No. 5555, timber areas assistance) for the department to contract with the department of community development for support of existing employment centers in timber-dependent communities.

(3) \$240,000 of the administrative contingency fund--federal appropriation is provided solely for the department to contract with the department of community development for support of existing reemployment support centers.

(4) \$160,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of trade and economic development for administrative costs of the child care facility fund to implement chapter 248, Laws of 1991 (Substitute Senate Bill No. 5583, child care facility fund).

(5) \$600,000 of the administrative contingency fund--federal appropriation is provided solely for transfer to the department of social and health services division of vocational rehabilitation solely to contract with the Washington initiative for supported employment for the purpose of continuing the promotion of supported employment services for persons with significant disabilities. Any agreement for the use of a portion of the moneys provided in this subsection shall require that an amount equal to at least one-half of that portion be contributed from nonstate sources for the same purpose. The department shall audit the nonprofit organization at the end of the biennium to ensure that the organization has secured the required matching fund.

(6) \$1,000,000 of the administrative contingency fund--federal appropriation is provided solely to implement sections 5 through 9 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(7) \$500,000 of the administrative contingency fund--federal appropriation is provided solely to implement section 3 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, self-employment enterprise development program for timber areas).

(8) \$2,322,000 of the administrative contingency administration fund--federal appropriation is provided solely for the corrections clearinghouse coordinator, corrections clearinghouse ex-offender program, and the corrections clearinghouse career awareness program.

(9) \$2,650,000 of the administrative contingency administration fund--federal appropriation is provided solely for the Washington service corps program.

(10) \$287,000 of the administrative contingency administration fund--federal appropriation is provided solely for the resource center for the handicapped.

(11) The appropriations in this section from the administrative contingency fund--federal appropriation are based on a fund revenue forecast of \$12,112,000 for the 1991-93 biennium, including the 1989-91 ending fund balance. In order to maintain the programs funded by the administrative contingency fund and to provide the legislature the opportunity to appropriate supplemental moneys in the case of a shortfall in revenue to the fund, the department shall not reduce expenditures for the programs identified in

subsections (2) through (10) of this section from the administrative contingency fund pursuant to RCW 43.88.110 until fiscal year 1993.

(12) From federal funds received by the department for the purpose of assisting displaced timber workers, the department shall make funds available to implement a pilot program for dislocated timber worker training as provided in section 16 of chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber assistance). The program shall be developed with the Skagit Valley community college to provide training opportunities for dislocated workers in the areas of fisheries, wildlife, recreation, and other natural resource professions. The department shall consult with the departments of natural resources, ecology, wildlife, fisheries, and the state parks and recreation commission in developing the program.

**"PART III
NATURAL RESOURCES"**

NEW SECTION. Sec. 301. FOR THE STATE ENERGY OFFICE

General Fund--State Appropriation	\$ 2,359,000
General Fund--Federal Appropriation	\$ 20,433,000
General Fund--Private/Local Appropriation	\$ 5,640,000
Geothermal Account--Federal Appropriation	\$ 40,000
Building Code Council Account Appropriation	\$ 86,000
Air Pollution Control Account Appropriation	\$ 6,830,000
Energy Code Training Account Appropriation	\$ 121,000
Energy Efficiency Services Account Appropriation	\$ 1,008,000
TOTAL APPROPRIATION	\$ 36,517,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,000 of the general fund--state appropriation is provided solely to maintain the database for the state hydropower plan.

(2) \$292,000 of the general fund--state appropriation and all of the energy efficiency services account appropriation are provided solely to implement chapter 201, Laws of 1991 (Engrossed Substitute Senate Bill No. 5245, energy policy development).

(3) The entire air pollution control account appropriation is provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control) and chapter 202, Laws of 1991 (Second Substitute House Bill No. 1671, growth strategies and transportation planning). It is the intent of the legislature that revenue generated from fees established by chapter 199, Laws of 1991 may be used for purposes of implementing chapter 202, Laws of 1991.

NEW SECTION. Sec. 302. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation	\$ 537,000
General Fund--Private/Local Appropriation	\$ 516,000
TOTAL APPROPRIATION	\$ 1,053,000

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation	\$ 65,589,000
General Fund--Federal Appropriation	\$ 38,234,000
General Fund--Private/Local Appropriation	\$ 1,015,000
Flood Control Assistance Account Appropriation	\$ 3,999,000
Special Grass Seed Burning Research Account Appropriation	\$ 132,000
Reclamation Revolving Account Appropriation	\$ 513,000
Emergency Water Project Revolving Account Appropriation: Appropriation pursuant to chapter 1, Laws of 1977 ex.s.	\$ 300,000
Litter Control Account Appropriation	\$ 7,674,000

State and Local Improvements Revolving Account-- Waste Disposal Facilities: Appropriation pursuant to chapter 127, Laws of 1972 ex.s. (Referendum 26)	\$ 2,547,000
State and Local Improvements Revolving Account-- Waste Disposal Facilities 1980: Appropriation pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$ 908,000
State and Local Improvements Revolving Account-- Water Supply Facilities: Appropriation pursuant to chapter 234, Laws of 1979 ex.s.(Referendum 38)	\$ 1,298,000
Stream Gaging Basic Data Fund Appropriation	\$ 302,000
Vehicle Tire Recycling Account Appropriation	\$ 7,820,000
Water Quality Account Appropriation	\$ 3,461,000
Wood Stove Education Account Appropriation	\$ 1,380,000
Worker and Community Right-to-Know Fund Appropriation	\$ 393,000
State Toxics Control Account--State Appropriation	\$ 48,128,000
State Toxics Control Account--Federal Appropriation	\$ 7,527,000
Local Toxics Control Account Appropriation	\$ 3,220,000
Water Quality Permit Account Appropriation	\$ 14,532,000
Solid Waste Management Account Appropriation	\$ 7,918,000
Underground Storage Tank Account Appropriation	\$ 3,862,000
Hazardous Waste Assistance Account Appropriation	\$ 5,543,000
Air Pollution Control Account Appropriation	\$ 7,955,000
Aquatic Lands Enhancement Account Appropriation	\$ 50,000
Oil Spill Response Account Appropriation	\$ 2,863,000
Oil Spill Administration Account Appropriation	\$ 3,104,000
Fresh Water Aquatic Weed Control Account Appropriation	\$ 895,000
Air Operating Permit Account Appropriation	\$ 2,511,000
TOTAL APPROPRIATION	\$ 243,673,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$9,462,000 of the general fund--state appropriation and \$1,149,000 of the general fund--federal appropriation are provided solely for the implementation of the Puget Sound water quality management plan.

(2) \$5,640,000 of the general fund--state appropriation is provided solely for the auto emissions inspection and maintenance program. The amount provided in this subsection is contingent upon a like amount being deposited in the general fund from auto emission inspection fees in accordance with RCW 70.120.170(4).

(3) \$1,323,000 of the general fund--state appropriation is provided solely for water resource management activities associated with the continued implementation of the growth management act (chapter 17, Laws of 1990 1st ex.s.).

(4) \$1,000,000 of the general fund--state appropriation and \$578,000 of the water quality permit account appropriation are provided solely to carry out the recommendations of the commission on efficiency and accountability in government concerning the wastewater discharge permit program.

(5) \$961,000 of the general fund--state appropriation, \$3,459,000 of the general fund--federal appropriation, and \$2,316,000 of the air pollution control account appropriation are provided solely for grants to local air pollution control authorities.

(6) The aquatic lands enhancement account appropriation is provided solely for the department to: (a) Conduct a sediment transport study of the Nooksack river to determine the amount of material that would have to be removed from the river to minimize

flooding; and (b) develop an environmental assessment, of the Nooksack river and, based on this assessment, develop a sand and gravel management plan, for the river. In preparing the management plan, the department shall seek input from appropriate state and local agencies, Indian tribes, and other interested parties to the maximum extent feasible. The department shall prepare the management plan in such a manner that the plan can be used as a model for future plans that may be developed for other state rivers.

(7) \$491,000 of the general fund--state appropriation is provided solely to implement chapter 347, Laws of 1991 (Engrossed Substitute House Bill No. 2026, water resources management).

(8) \$6,000,000 of the state toxics control account appropriation is provided solely for the following purposes:

(a) To conduct remedial actions for sites for which there are no potentially liable persons or for which potentially liable persons cannot be found;

(b) To provide funding to assist potentially liable persons under RCW 70.105D.070(2)(d)(xi) to pay for the cost of the remedial actions; and

(c) To conduct remedial actions for sites for which potentially liable persons have refused to comply with the orders issued by the department under RCW 70.105D.030 requiring the persons to provide the remedial action.

(9) \$3,104,000 of the oil spill administration account appropriation and the entire oil spill response account appropriation are provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(10) \$100,000 of the general fund--state appropriation is provided solely as state matching funds for the Columbia basin irrigation project.

(11) \$286,000 of the general fund--state appropriation is provided solely to implement chapter 350, Laws of 1991 (Second Substitute Senate Bill No. 5358, water system interties).

(12) \$139,000 of the solid waste management account appropriation is provided solely to implement chapter 297, Laws of 1991 (Senate Bill No. 5143, recycled products procurement).

(13) \$30,000 of the general fund--state appropriation is provided solely for the department's participation in the Pacific Ocean resources management compact.

(14) \$200,000 of the general fund--state appropriation is provided solely to implement chapter 273, Laws of 1991 (House Bill No. 2021, joint water resource policy committee).

(15) \$100,000 of the state toxics control account appropriation is provided for a study on the need for regional hazardous materials response teams. The study shall include, but not be limited to, the following items: Review of existing services, determination of where services are needed and the risks of not providing those services, funding requirements, equipment standards, training, mutual aid between jurisdictions, liability, and cost recovery. The study shall include specific recommendations on each of these items. Furthermore, the study shall include a specific recommendation on how to implement regional teams based upon geographic location and public exposure. The study shall include a review of steps taken in Oregon to address these problems. The state emergency response commission shall act as the steering committee for the study. Representatives from adjoining states may be requested to assist the commission.

(16) The entire fresh water aquatic weed control account appropriation is provided solely to implement chapter 302, Laws of 1991 (Engrossed Substitute House Bill No. 1389, aquatic plant regulation).

(17) The department shall provide \$450,000 to the department of wildlife from the coastal protection fund for wildlife rehabilitative services.

NEW SECTION, Sec. 304. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Trust Program	\$	878,000
<u>NEW SECTION. Sec. 305. FOR THE STATE PARKS AND RECREATION</u>		
<u>COMMISSION</u>		
General Fund--State Appropriation	\$	38,450,000
General Fund--Federal Appropriation	\$	1,683,000
General Fund--Private/Local Appropriation	\$	1,043,000
Trust Land Purchase Account Appropriation	\$	14,935,000
Winter Recreation Program Account Appropriation	\$	832,000
ORV (Off-Road Vehicle) Account Appropriation	\$	225,000
Snowmobile Account Appropriation	\$	1,283,000
Millersylvania State Park--Private/Local Appropriation	\$	9,000
Public Safety and Education Account Appropriation	\$	50,000
Motor Vehicle Fund Appropriation	\$	1,112,000
Oil Spill Administration Account Appropriation	\$	61,000
TOTAL APPROPRIATION		59,683,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall conduct a review of fees charged to park users. The commission's review shall: (a) Examine current park use, including use by campers, day users, boaters, recreational vehicle operators, and other users of park facilities; (b) examine the extent to which user groups pay park fees to support their use of park facilities; and (c) propose alternatives to the current structure of park fees that equitably distribute the cost of operating state parks among the various user groups. The commission shall submit the results of the review to the office of financial management and the appropriate committees of the legislature by January 1, 1992.

(2) \$65,000 of the trust land purchase account appropriation is provided solely for preparation of a conceptual plan for future alpine skiing facilities and service levels at Mount Spokane State Park. In preparing the plan, the commission shall: (a) Reevaluate the goals and objectives of the alpine ski area; (b) examine current functions of the alpine ski area including lodge use, ski patrol operations, food and beverage services, equipment rentals, grooming of slopes, selection and maintenance of ski runs, and customer service and public relations; (c) determine how to provide reasonable opportunities for the use of the alpine ski area for all members of the skiing public; and (d) propose alternatives to the current management approach. The commission shall submit the plan to the office of financial management and the appropriate committees of the legislature by August 1, 1992.

(3) \$120,000 of the trust land purchase account appropriation is provided solely for the scenic rivers program.

(4) \$644,000 of the trust land purchase account appropriation is provided solely to repair damage to state parks facilities caused by November and December, 1990, and January, 1991, storms.

(5) \$294,000 of the general fund state appropriation is provided solely to implement the Puget Sound water quality management plan.

(6) The entire trust land purchase account appropriation is provided solely for costs associated with the administration, maintenance, and operation of state parks and other state parks programs.

(7) \$61,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

NEW SECTION. Sec. 306. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Outdoor Recreation Account--State Appropriation	\$	2,172,000
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Outdoor Recreation Account--Federal Appropriation	\$	32,000
Firearms Range Account Appropriation	\$	44,000
TOTAL APPROPRIATION	\$	2,248,000

NEW SECTION. Sec. 307. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	1,180,000
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The appropriation in this section is subject to the following conditions and limitations: \$80,000 is provided solely for an additional administrative law judge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	33,708,000
Motor Vehicle Fund Appropriation	\$	564,000
Solid Waste Management Account Appropriation	\$	1,000,000
Litter Control Account Appropriation	\$	1,000,000
TOTAL APPROPRIATION	\$	36,272,000

(1) \$500,000 of the general fund appropriation is provided solely for establishment of a European trade office. The amount provided in this subsection is contingent on receipt of at least \$200,000 in nonstate sources from port associations for establishment of the office.

(2) \$200,000 of the general fund appropriation is provided solely for the Washington Research Foundation.

(3) \$1,000,000 of the litter control account appropriation and \$1,000,000 of the solid waste management account appropriation are provided solely for the purposes of implementing the market development center created in chapter 319, Laws of 1991 (Second Substitute Senate Bill No. 5591, comprehensive recycling program) for the fiscal year ending June 30, 1992.

(4) \$2,000,000 of the general fund appropriation is provided solely to continue and expand the department's efforts to promote value-added manufacturing under the forest products program, as authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). Within this amount, the department shall maintain expenditures for the forest products program at the fiscal year 1991 level. The balance of this amount shall be provided as contracts to promote value-added manufacturing. The department shall report to the appropriate committees of the legislature on the amount and types of contracts provided by January 1, 1992.

(5) \$1,000,000 of the general fund--state appropriation is provided solely for business contracts authorized under section 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The amount provided in this subsection shall be placed in reserve and not expended prior to the report required under subsection (4) of this section.

(6) \$1,000,000 of the general fund appropriation is provided solely for program coordination of the department's timber assistance efforts, as authorized in sections 3, 4, 6, and 7, chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities).

(7) \$1,200,000 of the general fund appropriation is provided solely for establishment of the Pacific Northwest export assistance center, as authorized in sections 11 through 18 of chapter 314, Laws of 1991 (Engrossed Substitute House Bill No. 1341, timber-dependent communities). The center will provide export assistance to firms located in timber-dependent communities.

(8) \$8,195,000 of the general fund appropriation is provided solely for the Washington high technology center.

(9) The department of trade and economic development shall establish a schedule of fees for services performed by the department's overseas trade offices. The fee schedule shall generate revenue of at least \$1,032,000 during the 1991-93 biennium, which shall be deposited in the general fund.

(10) The department shall not reduce grants or contracts in assistance of units of government without first notifying the appropriate legislative committees.

(11) \$100,000 of the general fund appropriation is provided solely for a contract with the Tacoma world trade center to enhance export opportunities for Washington businesses.

(12) \$150,000 of the general fund appropriation is provided solely as an enhancement to the current level of funding for grants to associate development organizations (ADOs).

NEW SECTION. Sec. 309. FOR THE CONSERVATION COMMISSION

General Fund Appropriation	\$	2,189,000
Water Quality Account Appropriation	\$	192,000
TOTAL APPROPRIATION	\$	2,381,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than eight percent of the water quality account moneys administered by the commission may be used by the commission for administration and program activities related to the grant and loan program.

(2) \$385,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$650,000 of the general fund appropriation is provided solely for increased basic operation grants to conservation districts.

NEW SECTION. Sec. 310. FOR THE WINTER RECREATION COMMISSION

General Fund Appropriation	\$	20,000
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NEW SECTION. Sec. 311. FOR THE PUGET SOUND WATER QUALITY AUTHORITY

General Fund--State Appropriation	\$	3,679,000
General Fund--Federal Appropriation	\$	202,000
Water Quality Account Appropriation	\$	1,100,000
TOTAL APPROPRIATION	\$	4,981,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$330,000 of the general fund--state appropriation is provided solely for an interagency agreement with Washington State University cooperative extension service for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(2) \$240,000 of the general fund--state appropriation is provided solely for an interagency agreement with the University of Washington sea grant program for field agents to provide technical assistance in implementing the Puget Sound water quality management plan.

(3) In addition to the amounts provided in subsections (1) and (2) of this section, \$812,000 of the general fund--state appropriation is provided solely to implement other provisions of the Puget Sound water quality management plan.

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF FISHERIES

General Fund--State Appropriation	\$	61,034,000
General Fund--Federal Appropriation	\$	17,901,000
General Fund--Private/Local Appropriation	\$	8,301,000
Aquatic Lands Enhancement Account Appropriation	\$	1,092,000
Oil Spill Administration Account Appropriation	\$	410,000
TOTAL APPROPRIATION	\$	88,738,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$263,000 of the general fund--state appropriation is provided solely for improvements to and monitoring of wastewater discharges from state salmon hatcheries.

(2) \$1,180,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$410,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(4) \$785,000 of the general fund--state appropriation is provided solely for increased coho salmon production through pen-rearing, delay release methods.

(5) \$950,000 of the general fund--state appropriation is provided solely for attorney general cost, on behalf of the department of fisheries, department of natural resources, department of health, and the state parks and recreation commission, in defending the state and public interest in tribal shellfish litigation (U.S. v. Washington, subproceeding 89-3). The attorney general cost shall be paid as an interagency reimbursement.

(6) \$427,000 of the general fund--state appropriation is provided solely for increased enforcement activities.

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF WILDLIFE

General Fund Appropriation	\$	11,497,000
ORV (Off-Road Vehicle) Account Appropriation	\$	275,000
Aquatic Lands Enhancement Account Appropriation	\$	1,096,000
Public Safety and Education Account		
Appropriation	\$	589,000
Wildlife Fund--State Appropriation	\$	50,002,000
Wildlife Fund--Federal Appropriation	\$	16,308,000
Wildlife Fund--Private/Local Appropriation	\$	2,120,000
Game Special Wildlife Account Appropriation	\$	532,000
Oil Spill Administration Account Appropriation	\$	565,000
TOTAL APPROPRIATION	\$	82,984,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$514,000 of the general fund appropriation is provided solely to implement the Puget Sound water quality management plan.

(2) \$565,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

(3) \$770,000 of the wildlife fund--state appropriation is provided solely for the operation of the game farm program.

(4) During the 1991-93 biennium the wildlife enforcement FTE staff levels shall not be reduced below the fiscal year 1991 average FTE staff level. \$1,300,000 of the general fund--state appropriation and \$3,872,000 of the wildlife fund--state appropriation are provided solely for wildlife enforcement. If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.

(5) \$25,000 of the general fund appropriation and \$25,000 of the wildlife fund--state appropriation are provided solely for a demonstration project to develop a wildlife mitigation plan for private and public lands in the Lake Roosevelt area. The department shall create a steering committee consisting of representatives of local private landowners, local government, tribes, hunters, fishers, and other users of wildlife in the Lake Roosevelt area. The committee shall study and report to the department on issues related to the development of the Lake Roosevelt plan including, but not limited to, local government impact, wildlife species, needs of wildlife users, other recreational needs, land use regulations, and wildlife supply.

(6) The office of financial management and legislative committees staff shall examine wildlife fees and expenditures. Issues to be examined shall include the division of agency resources in support of both game and nongame activities and the overall

funding level for the agency. If House Bill No. 2235 (hunting and fishing fees) is not enacted by July 31, 1991, this subsection shall be null and void.

(7) The department shall expend \$450,000 from the coastal protection fund for a marine mammal and bird rehabilitation center, of which \$400,000 is for one-time capital costs and \$50,000 is for biennial contract staffing costs for the center.

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation	\$	58,010,000
General Fund--Federal Appropriation	\$	604,000
General Fund--Private/Local Appropriation	\$	12,000
ORV (Off-Road Vehicle) Account Appropriation	\$	4,521,000
Forest Development Account Appropriation	\$	30,155,000
Survey and Maps Account Appropriation	\$	1,074,000
Natural Resources Conservation Area Stewardship Account Appropriation	\$	1,080,000
Aquatic Lands Enhancement Account Appropriation	\$	1,491,000
Resource Management Cost Account Appropriation	\$	79,780,000
Aquatic Land Dredged Material Disposal Site Account Appropriation	\$	814,000
State Toxics Control Account Appropriation	\$	764,000
Air Pollution Control Account Appropriation	\$	430,000
Oil Spill Administration Account Appropriation	\$	128,000
Litter Control Account Appropriation	\$	500,000
TOTAL APPROPRIATION	\$	179,363,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,841,000, of which \$1,136,000 is from the resource management cost account appropriation and \$705,000 is from the forest development account appropriation, is provided solely for the development of a harvest planning system for state trust lands.

(2) \$450,000, of which \$225,000 is from the resource management cost account appropriation and \$225,000 is from the aquatic lands enhancement account appropriation is provided solely for the control and eradication of Spartina, including research, environmental impact statements, and public education. The department shall develop a Spartina eradication plan and report to the house of representatives natural resources committee and the senate environment and natural resources committee by January 15, 1992, on the plan.

(3) \$5,185,000 of the general fund--state appropriation is provided solely for the emergency fire suppression subprogram.

(4) \$1,909,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(5) \$2,840,000 of the general fund--state appropriation is provided solely for cooperative monitoring, evaluation, and research projects related to implementation of the timber-fish-wildlife agreement.

(6) \$1,683,000 of the general fund--state appropriation is provided solely for the development of an electronic forest practices permit processing data management system.

(7) \$163,000 of the general fund state appropriation is provided solely for the department to contract with the University of Washington college of forest resources for continuation of the timber supply study. The study shall identify the quantity of timber present now and the quantity of timber that may be available from forest lands in the future, use various assumptions of landowner management, and include changes in the forest land base, amount of capital invested in timber management, and expected harvest age. No portion of this appropriation may be expended for indirect costs associated with the study.

(8) The department of natural resources shall sell approximately 726 acres of undeveloped land at the Northern State multiservice center to Skagit county. The land shall be sold at fair market value, which shall not exceed \$701,000 if the sale occurs before January 1, 1992. Proceeds of the sale shall be deposited in the charitable, educational, penal and reformatory institutions account. The sale of the land shall be conditioned on the permanent dedication of the land for public recreational uses, which may include fairgrounds, and up to 50 acres of which may be used for purposes of a public educational institution.

(9) \$500,000 of the general fund--state appropriation and \$1,000,000 of the resource management cost account appropriation are provided solely to implement sections 5 through 9, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, countercyclical program for timber-impacted areas).

(10) \$3,400,000 of the general fund--state appropriation is provided solely for forest practices activities. Of the amount provided in this subsection, \$1,500,000 is provided solely for monitoring and enforcement of forest practices permit conditions, reforestation requirements, and conversion requirements. The department shall submit a plan to the appropriate committees of the legislature by October 1, 1991, showing how it will spend this amount. The balance of the amount provided in this subsection shall be expended as follows: \$760,000 to the department of fisheries, \$660,000 to the department of wildlife, and \$480,000 to the department of ecology for each of these department's responsibilities related to forest practices.

(11) \$429,000 of the air pollution control account appropriation, \$60,000 of the forest development account appropriation, and \$141,000 of the resource management cost account appropriations are provided solely to implement chapter 199, Laws of 1991 (Engrossed Substitute House Bill No. 1028, air pollution control).

(12) \$150,000 of the general fund--state appropriation is provided solely for the department to contract for increased development of the Mount Tahoma cross-country ski trails system. No portion of the amount provided in this subsection may be expended without equal matching funds from nonstate sources for the same purpose.

(13) \$1,700,000 of the general fund--state appropriation is provided for fiscal year 1993 solely for the forest practices program for activities related to critical wildlife habitat, cumulative effects assessment, clear-cut size and timing, wetlands, and rate-of-harvest monitoring that are required as a result of rules adopted by the forest practices board. The department shall submit a status report on adoption of forest practices rules by February 1, 1992, to the appropriate committees of the legislature. The amount provided in this subsection shall lapse if the forest practices board does not adopt rules on these items by June 30, 1992.

(14) \$160,000 from the natural resources conservation area stewardship account appropriation is provided solely for operating expenses of the natural heritage program.

(15) \$128,000 of the oil spill administration account appropriation is provided solely to implement chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, oil and hazardous substance spill prevention and response).

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF AGRICULTURE

General Fund State Appropriation	\$	19,680,000
General Fund Federal Appropriation	\$	1,226,000
State Toxics Control Account Appropriation	\$	1,109,000
TOTAL APPROPRIATION	\$	22,015,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, the department shall collect and provide information to growers on minor use crop pesticides.

(2) \$100,000 of the general fund--state appropriation is provided solely to implement the Puget Sound water quality management plan.

(3) \$872,000 of the general fund--state appropriation is provided solely for the state noxious weed program. Of this amount \$524,000 is provided solely for noxious weed control grants.

(4) The appropriations in this section are based on an assumption that the IMPACT program will establish fees pursuant to RCW 28B.30.541.

(5) \$97,000 of the general fund--state appropriation is provided solely to implement chapter 280, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5096, adverse impacts on agriculture).

(6) \$172,000 of the general fund--state appropriation is provided solely to maintain the existing Yakima livestock marketing news office.

NEW SECTION. Sec. 316. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention/Trade Center Account

Appropriation \$ 21,490,000

The appropriation in this section is subject to the following conditions and limitations: \$4,786,000 is provided solely for marketing the facilities and services of the convention center, for promoting the locale as a convention and visitor destination, and for related activities. Of the amount provided in this section, the center shall not expend more than is received from revenue generated by the special excise tax deposited in the state convention and trade center operations account under RCW 67.40.090(3). Projections of such revenue shall be as determined and updated by the department of revenue.

NEW SECTION. Sec. 317. FOR THE OFFICE OF MARINE SAFETY

Oil Spill Administration Account Appropriation	\$	3,162,000
State Toxics Control Account Appropriation	\$	372,000
TOTAL APPROPRIATION	\$	3,534,000

"PART IV

TRANSPORTATION"

NEW SECTION. Sec. 401. FOR THE STATE PATROL

General Fund--State Appropriation	\$	24,089,000
General Fund--Federal Appropriation	\$	220,000
General Fund--Private/Local Appropriation	\$	169,000
Death Investigations Account Appropriation	\$	24,000
Drug Enforcement and Education Account Appropriation	\$	1,960,000
TOTAL APPROPRIATION	\$	26,462,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The staff of the Washington state patrol crime laboratory shall not provide tests for marijuana to cities or counties except: (a) To verify weight for criminal cases where weight is a factor, or (b) for criminal cases that the prosecuting attorney and field administrator of the crime laboratory agree are likely to go to trial.

(2) \$194,900 of the general fund--state appropriation is provided solely for security costs for the national governors' association 1991 conference.

(3) \$151,000 of the general fund--state appropriation is provided solely for reimbursement to local law enforcement agencies for the cost of registering sex offenders.

(4) \$320,000 of the general fund--state appropriation is provided for aircraft lease costs.

(5) \$271,000 of the general fund--state appropriation is provided for vehicle license fraud investigation.

(6) \$150,000 of the general fund--state appropriation is provided for special services.

(7) \$60,000 of the general fund--state appropriation is provided solely to implement chapter 274, Laws of 1991 (Substitute House Bill 1997, sex offender registration).

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	21,240,000
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Architects' License Account Appropriation	\$	861,000
Cemetery Account Appropriation	\$	203,000
Health Professions Account Appropriation	\$	506,000
Professional Engineers' Account Appropriation	\$	2,096,000
Real Estate Commission Account Appropriation	\$	7,396,000
Air Pollution Control Account Appropriation	\$	106,000
TOTAL APPROPRIATION	\$	32,408,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A total of \$1,000,000 shall be transferred to the department of licensing from the following agencies for operation of the master license system: The department of revenue, the department of agriculture, the department of labor and industries, the employment security department, the department of health, the liquor control board, the lottery commission, the department of ecology, and the secretary of state. The office of financial management shall transfer funds from the agencies based on the relative number of licenses issued by each agency through the master license system, weighted to account for differences in the amount of department work required per license issued.

(2) Of the general fund appropriation, the amounts specified in this subsection are provided solely for the purposes of the following legislation. The general fund shall be reimbursed by June 30, 1993, by an assessment of fees sufficient to cover all costs of implementing the specified legislation.

(a)	Chapter 334, Laws of 1991 (Engrossed Second Substitute Senate Bill No. 5124, licensing private security guards)	\$	538,000
(b)	Chapter 328, Laws of 1991 (Engrossed Substitute House Bill No. 1181, licensing private detectives)	\$	145,000
(c)	Chapter 236, Laws of 1991 (Substitute House Bill No. 1712, athlete agent registration)	\$	42,000
(d)	Chapter 324, Laws of 1991 (Engrossed Substitute House Bill No. 1136, cosmetology regulations)	\$	329,000

NEW SECTION. Sec. 403. 1991 c 236 s 10 is repealed.

"PART V
EDUCATION"

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STATE ADMINISTRATION

General Fund--State Appropriation	\$	23,813,000
General Fund--Federal Appropriation	\$	13,006,000
Public Safety and Education Account Appropriation	\$	383,000
Drug Enforcement and Education Account Appropriation	\$	153,000
TOTAL APPROPRIATION	\$	37,355,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire public safety and education account appropriation is provided solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) The entire drug enforcement and education account appropriation is provided solely for administration of the grant awards established under chapter 28A.170 RCW.

(3) \$100,000 of the general fund--state appropriation is provided solely to print and distribute an informational brochure on enrollment options.

(4) The superintendent of public instruction shall propose procedures and standards to meet demonstrable funding needs beyond the level provided in the state-funded program for handicapped children. The procedures and standards shall permit relief for a school district only if a district can at least demonstrate that:

(a) Student characteristics and costs of providing program services in the district differ significantly from the assumptions of the state handicapped funding formula;

(b) Individualized education plans are properly and efficiently prepared and formulated;

(c) The district is making a reasonable effort to provide program services for handicapped children within funds generated by the state funding formula;

(d) District programs are operated in a reasonably efficient manner;

(e) No indirect costs are charged against the handicapped program; and

(f) Any available federal funds are insufficient to address the additional needs.

The superintendent of public instruction shall submit a report describing the proposed procedures and standards to the legislature by January 10, 1992.

(5) \$650,000 of the general fund--state appropriation is provided solely to upgrade the data collection capability of the superintendent of public instruction. The office of financial management may not disburse any of this amount until the superintendent:

(a) Establishes an advisory committee on information needs with representation from the senate ways and means committee, the house of representatives appropriations committee, the office of financial management, and educational service districts;

(b) Presents a decision package to the office of financial management describing the recommended system design, including cost estimates, describing the extent to which the recommended system meets the information needs established by the advisory committee, and describing comparable information for at least two alternative systems; and

(c) Receives approval from the office of financial management for the recommended system design.

(6) \$1,000,000 of the general fund--state appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) \$853,000 of the general fund--state appropriation is provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(8) \$500,000 of the general fund--state appropriation is provided solely for certification investigation activities of the office of professional practices.

(9) \$39,000 of the general fund--state appropriation is provided to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(10) The superintendent shall adopt rules to implement the intent of RCW 28A.400.275 and 28A.400.280.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ 5,215,683,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,537,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) Allocations for certificated staff salaries for the 1991-92 and 1992-93 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Small school enrollments in kindergarten through grade six shall generate funding under (a) of this subsection, and shall not generate allocations under (d) and (e)

of this subsection, if the staffing allocations generated under (a) of this subsection exceed those generated under (d) and (e) of this subsection. The certificated staffing allocations shall be as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students excluding full time equivalent handicapped enrollment as recognized for funding purposes under section 509 of this act;

(ii) 54.3 certificated instructional staff units for each one thousand full time equivalent students in kindergarten through third grade, excluding full time equivalent handicapped students ages six through eight; and

(iii) Forty-six certificated instructional staff units for each one thousand full time equivalent students, excluding full time equivalent handicapped students ages nine and above;

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month;

(c) On the basis of full time equivalent enrollment in vocational education programs and skill center programs approved by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 16.67 full time equivalent vocational students;

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full time equivalent students in kindergarten through grade eight:

(i) For those enrolling no students in grades seven and eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full time equivalent students, for enrollment in grades nine through twelve in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades nine through twelve but no more than twenty-five average annual full time equivalent kindergarten through twelfth grade students, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational and handicapped full time equivalent students.

(g) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(h) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 1991-92 and 1992-93 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2) (d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections.

(b) For all other enrollment in grades kindergarten through twelve, including vocational but excluding handicapped full time equivalent enrollments, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.11 percent in the 1991-92 and 1992-93 school years of certificated salary allocations provided under subsection (2) of this section, and a rate of 18.84 percent in the 1991-92 and 1992-93 school years of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the rates specified in section 505 of this act, based on:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,848 per certificated staff unit in the 1991-92 school year and a maximum of \$7,060 per certificated staff unit in the 1992-93 school year.

(b) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$13,049 per certificated staff unit in the 1991-92 school year and a maximum of \$13,454 per certificated staff unit in the 1992-93 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maximum rate of \$318 for the 1991-92 school year and \$318 per year for the 1992-93 school year for allocated classroom teachers. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported state-wide for the 1990-91 school year.

(8) The superintendent may distribute a maximum of \$4,633,000 outside the basic education formula during fiscal years 1992 and 1993 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$386,000 may be expended in fiscal year 1992 and a maximum of \$398,000 may be expended in fiscal year 1993.

(b) For summer vocational programs at skills centers, a maximum of \$1,777,000 may be expended in fiscal year 1992 and a maximum of \$1,788,000 may be expended in fiscal year 1993.

(c) A maximum of \$284,000 may be expended for school district emergencies.

(9) For the purposes of RCW 84.52.0531, the increase per full time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 5.6 percent from the 1990-91 school year to the 1991-92 school year, and 5.0 percent from the 1991-92 school year to the 1992-93 school year.

(10) A maximum of \$2,450,000 may be expended in the 1991-92 fiscal year and a maximum of \$2,450,000 may be expended in the 1992-93 fiscal year for high technology vocational equipment for secondary vocational education programs and skill centers.

(11)(a) Funds provided under subsection (2)(a)(ii) of this section in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(c), shall be allocated only if the district documents an actual ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual K-3 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(c), if greater.

(b) Districts at or above 51.0 certificated instructional staff per one thousand full time equivalent students in grades K-3 may dedicate up to 1.3 of the 54.3 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-3. For purposes of documenting a district's staff ratio under subsection (11)(a) and (c) of this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year.

(c) Any district maintaining a ratio equal to or greater than 54.3 certificated instructional staff per thousand full time equivalent students in grades K-3 may use allocations generated under subsection (2)(a)(ii) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(c) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 4-6. Funds allocated under this section shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants.

(12) The superintendent of public instruction shall study the rate of staff per student if current levels of certificated instructional staffing and paraprofessionals are counted

together as "classroom resources." A report identifying "classroom resource" per pupil rates shall be provided to the appropriate fiscal and policy committees of the house of representatives and senate by January 10, 1992.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION INCREASES
 General Fund Appropriation \$ 218,249,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional derived base salary shown on LEAP Document 12, by the district's average staff mix factor for basic education certificated instructional staff in that school year, computed using LEAP Document 1A.

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100.

(b) "LEAP Document 1A" means the computerized tabulation establishing staff mix factors for basic education certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 8, 1991, at 13:35 hours.

(c) "LEAP Document 12" means the computerized tabulation of 1990-91, 1991-92, and 1992-93 school year salary allocations for basic education certificated administrative staff and basic education classified staff and derived base salaries for basic education certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 26, 1991, at 12:01 hours.

(3) Incremental fringe benefits factors shall be applied to salary increases at a rate of 1.2047 for certificated salaries and 1.1534 for classified salaries for both the 1991-92 and 1992-93 school years.

(4) The increase for each certificated administrative staff unit provided under section 502 of this act shall be the 1990-91 state-wide average certificated administrative salary increased by 4.0 percent for 1991-92, and further increased by 3.547 percent for 1992-93, as shown on LEAP Document 12.

(5) The increase for each classified staff unit provided under section 502 of this act shall be the 1990-91 state-wide average classified salary increased by 4.0 percent for 1991-92 and further increased by 3.547 percent for 1992-93, as shown on LEAP Document 12.

(6) Increases for certificated instructional staff units provided under section 502 of this act shall be the difference between the salary allocation specified in subsection (1)(a) of this section and the salary allocation specified as follows:

(a) For 1991-92, the allocation for each certificated instructional staff unit shall be the 1991-92 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1991-92 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(b) For 1992-93, the allocation for each certificated instructional staff unit shall be the 1992-93 derived base salary, as shown on LEAP Document 12, multiplied by the district's average staff mix factor for actual 1992-93 full time equivalent basic education certificated instructional staff using LEAP Document 1A.

(7)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations for the 1991-92 and 1992-93 school years:

**1991-92 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
0	20,801	21,363	21,945	22,528	24,400
1	21,482	22,063	22,664	23,285	25,212
2	22,178	22,776	23,395	24,076	26,035
3	22,908	23,525	24,161	24,880	26,874
4	23,652	24,307	24,961	25,718	27,764
5	24,430	25,102	25,775	26,589	28,668
6	25,240	25,910	26,620	27,492	29,603
7	26,064	26,750	27,478	28,407	30,569
8	26,899	27,624	28,368	29,374	31,566
9		28,528	29,309	30,352	32,595
10			30,262	31,379	33,653
11				32,437	34,760
12				33,461	35,897
13					37,062
14					38,233
15 or more					39,227

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	25,606	24,939	26,811	28,018
1	26,434	25,696	27,624	28,846
2	27,295	26,488	28,447	29,706
3	28,188	27,292	29,286	30,600
4	29,115	28,130	30,176	31,527
5	30,073	29,000	31,080	32,485
6	31,043	29,904	32,015	33,455
7	32,065	30,818	32,981	34,476
8	33,116	31,786	33,978	35,528
9	34,198	32,762	35,007	36,609
10	35,308	33,791	36,064	37,720
11	36,449	34,849	37,172	38,861
12	37,637	35,949	38,309	40,049
13	38,854	37,086	39,474	41,265
14	40,116	38,258	40,720	42,528
15 or more	41,159	39,252	41,779	43,634

**1992-93 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF**

Years of Service	BA	BA+15	BA+30	BA+45	BA+90
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0	21,539	22,120	22,724	23,327	25,265
1	22,244	22,845	23,468	24,111	26,106
2	22,965	23,584	24,225	24,930	26,959
3	23,721	24,359	25,018	25,763	27,827
4	24,491	25,169	25,847	26,630	28,749
5	25,296	25,992	26,689	27,532	29,685
6	26,135	26,829	27,564	28,468	30,653
7	26,988	27,699	28,453	29,414	31,653
8	27,853	28,603	29,375	30,416	32,686
9		29,540	30,349	31,428	33,751
10			31,335	32,492	34,846
11				33,587	35,993
12				34,648	37,170
13					38,376
14					39,589
15 or more					40,618

Years of Service	BA+135	MA	MA+45	MA+90 or PHD
0	26,514	25,824	27,762	29,012
1	27,372	26,608	28,603	29,869
2	28,263	27,428	29,456	30,759
3	29,188	28,260	30,324	31,685
4	30,148	29,128	31,246	32,645
5	31,139	30,029	32,182	33,637
6	32,144	30,965	33,150	34,642
7	33,202	31,912	34,151	35,699
8	34,290	32,913	35,183	36,788
9	35,411	33,924	36,248	37,908
10	36,561	34,989	37,344	39,058
11	37,742	36,085	38,490	40,239
12	38,972	37,224	39,667	41,469
13	40,232	38,401	40,874	42,729
14	41,539	39,615	42,165	44,036
15 or more	42,619	40,644	43,261	45,181

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(8) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules used by the superintendent of public instruction for salary allocations in the 1990-91 school year.

(e) "Credits" means college quarter hour credits and equivalent inservice credits computed in accordance with RCW 28A.415.020.

(9) The salary allocation schedules established in subsection (7) of this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--CATEGORICAL PROGRAM SALARY INCREASES

General Fund Appropriation \$ 47,058,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The incremental fringe benefits factors applied to salary increases in subsection (3) of this section shall be 1.2047 for certificated salaries and 1.1534 for classified salaries in the 1991-92 and 1992-93 school years.

(2) Salary increases for each school year for state-supported formula units in the following categorical programs include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified below:

(a) Transitional bilingual instruction: The rates specified in section 519 of this act shall be increased by \$18.66 per pupil for the 1991-92 school year and by \$35.87 per pupil for the 1992-93 school year.

(b) Learning assistance: The rates specified in section 520 of this act shall be increased by \$14.15 per pupil for the 1991-92 school year and by \$27.20 per pupil for the 1992-93 school year.

(c) Education of highly capable students: The rates specified in section 515 of this act shall be increased by \$11.05 per pupil for the 1991-92 school year and by \$21.24 per pupil for the 1992-93 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 507 of this act shall be increased by \$80.05 per full time equivalent student for the 1991-92 school year, and by \$167.21 per full time equivalent student for the 1992-93 school year. A maximum of \$734,000 is provided for the 1991-92 fiscal year and a maximum of \$1,685,000 is provided for the 1992-93 fiscal year.

(e) Pupil transportation: The rates provided under section 506 of this act shall be increased by \$.72 per weighted pupil-mile for the 1991-92 school year, and by \$1.39 per weighted pupil-mile for the 1992-93 school year.

(3) The superintendent of public instruction shall distribute salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 509 of this act), in the educational service districts (section 511 of this act), and in the institutional education program (section 514 of this act), in the same manner as salary increases are provided for basic education staff.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE INSURANCE BENEFIT INCREASES

General Fund Appropriation \$ 88,498,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Allocations for insurance benefits from general fund appropriations provided under section 502 of this act shall be calculated at a rate of \$246.24 per month for each certificated staff unit, and for each classified staff unit adjusted pursuant to section 502(5)(b) of this act.

(2) The appropriation in this section is provided solely to increase insurance benefit allocations for state-funded certificated and classified staff for the 1991-92 school year, effective October 1, 1991, to a rate of \$289.95 per month, and for the 1992-93 school year, effective October 1, 1992, to a rate of \$321.80 as distributed pursuant to this section.

(3) The increase in insurance benefit allocations for basic education staff units under section 502(5) of this act, for handicapped program staff units as calculated under section 509 of this act, for state-funded staff in educational service districts, and for institutional

education programs is \$43.71 per month for the 1991-92 school year and an additional \$31.85 per month in the 1992-93 school year.

(4) The increases in insurance benefit allocations for the following categorical programs shall be calculated by increasing the annual state funding rates by the amounts specified in this subsection. Effective October 1 of each school year, the maximum rate adjustments provided on an annual basis under this section are:

(a) For pupil transportation, an increase of \$.40 per weighted pupil-mile for the 1991-92 school year and an additional \$.29 per weighted pupil-mile for the 1992-93 school year;

(b) For learning assistance, an increase of \$10.92 per pupil for the 1991-92 school year and an additional \$7.96 for the 1992-93 school year;

(c) For education of highly capable students, an increase of \$3.72 per pupil for the 1991-92 school year and an additional \$2.71 per pupil for the 1992-93 school year;

(d) For transitional bilingual education, an increase of \$7.08 per pupil for the 1991-92 school year and an additional \$5.16 per pupil for the 1992-93 school year;

(e) For vocational-technical institutes, an increase of \$29.09 per full time equivalent pupil for the 1991-92 school year and \$21.20 per full time equivalent pupil for the 1992-93 school year. A maximum of \$240,000 is provided for the 1991-92 fiscal year and \$543,000 is provided for the 1992-93 fiscal year.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ 292,126,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$26,028,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) A maximum of \$134,333,000 may be distributed for pupil transportation operating costs in the 1991-92 school year.

(3) A maximum of \$873,000 may be expended for regional transportation coordinators.

(4) A maximum of \$65,000 may be expended for bus driver training.

(5) For eligible school districts, the small-fleet maintenance factor shall be funded at a rate of \$1.65 in the 1991-92 school year and \$1.70 in the 1992-93 school year per weighted pupil-mile.

(6) The superintendent shall ensure that, by the 1992-93 school year, school districts in accordance with RCW 28A.160.160(4) are making good faith efforts to alleviate the problem of hazardous walking conditions for students.

(7) \$755,000 of the general fund--state appropriation is provided solely to implement chapter 166, Laws of 1991 (Engrossed Substitute Senate Bill No. 5114, school bus safety crossing arms). Moneys provided in this subsection may be expended to reimburse school districts that purchased school bus safety crossing arms during the 1990-91 school year, subject to criteria and rules adopted by the superintendent.

(8) \$100,000 is provided solely for the 1992-93 school year for transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons. The superintendent shall provide a report to the legislature concerning the use of these moneys by November 1, 1993.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 86,545,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$3,293 per student for a maximum of 12,655 full time equivalent students.

(2) Funding for adult basic education programs during the 1991-92 and 1992-93 school years shall be distributed at a rate of \$1.62 per hour of student service for a maximum of 288,690 hours.

(3) \$1,450,000 is provided solely to lease computer equipment, reprogram software and databases, and provide for other initial operating costs necessary to merge the computer systems of the vocational-technical institutes into the community and technical college system created under chapter 238 Laws of 1991 (Engrossed Substitute Senate Bill No. 5184, work force training education). The apportionment of this amount among the vocational-technical institutes shall be made by the director of the state board for community and technical colleges.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation	\$	6,000,000
General Fund--Federal Appropriation	\$	148,000,000
TOTAL APPROPRIATION	\$	154,000,000

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR HANDICAPPED EDUCATION PROGRAMS

General Fund--State Appropriation	\$	691,346,000
General Fund--Federal Appropriation	\$	83,900,000
TOTAL APPROPRIATION	\$	775,246,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$62,455,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1991-92 and 1992-93 school years in accordance with districts' actual handicapped enrollments and the allocation model established in LEAP Document 13 as developed on June 26, 1991, at 13:02 hours.

(3) A maximum of \$614,000 may be expended from the general fund--state appropriation to fund 5.43 full time equivalent teachers and 2.1 full time equivalent aides at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through the home and hospital allocation and the handicapped program.

(4) \$192,000 of the general fund--state appropriation is provided solely for the early childhood home instruction program for hearing impaired infants and their families.

(5) \$1,000,000 of the general fund--federal appropriation is provided solely for projects to provide handicapped students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(6) \$300,000 of the general fund--federal appropriation is provided solely for inservice training, technical assistance, and evaluation of the special services demonstration projects authorized in chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

(7) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

Public Safety and Education Account Appropriation	\$	5,321,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) Not more than \$596,000 may be expended for regional traffic safety education coordinators.

(2) A maximum of \$2,300,000 may be expended in the 1991-92 fiscal year and \$2,425,000 in the 1992-93 fiscal year to provide tuition assistance for traffic safety education for students from low-income families.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation \$ 11,070,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$500,000 is provided solely to implement chapter 285, Laws of 1991 (Engrossed Substitute House Bill No. 1813, E.S.D. teacher recruitment coordination).

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund Appropriation \$ 144,606,000

The appropriation in this section is subject to the following conditions and limitations: \$144,606,000 is provided for state matching funds pursuant to RCW 28A.500.010.

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE ENUMERATED PURPOSES

General Fund--Federal Appropriation \$ 183,032,000

(1) Education Consolidation and Improvement Act \$ 178,000,000

(2) Education of Indian Children \$ 332,000

(3) Adult Basic Education \$ 4,700,000

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation \$ 24,950,000

General Fund--Federal Appropriation \$ 7,700,000

TOTAL APPROPRIATION \$ 32,650,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,065,000 of the general fund--state appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) A maximum of \$950,000 of the general fund--state appropriation may be expended for juvenile parole learning centers in the 1991-92 school year and \$950,000 in the 1992-93 school year at a rate not to exceed \$2,351 per full time equivalent student.

(3) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(4) Average staffing ratios for each category of institution, excluding juvenile parole learning centers, shall not exceed the rates specified in the legislative budget notes.

(5) The superintendent of public instruction shall:

(a) Define what constitutes a full time equivalent student;

(b) In cooperation with the secretary of social and health services, define responsibility for the variety of services offered through the common schools and the department of social and health services;

(c) Convene meetings of the parties responsible for the well-being of children in the institutional education programs for purpose of identifying and resolving problems associated with service delivery; and

(d) Report to the appropriate fiscal and policy committees of the legislature on (a), (b), and (c) of this subsection by January 10, 1992.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 10,398,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$945,000 is provided solely for distribution to school districts for the remaining months of the 1990-91 school year.

(2) Allocations for school district programs for highly capable students during the 1991-92 and 1992-93 school years shall be distributed at a maximum rate of \$397.16 per student for up to one and one-half percent of each district's full time equivalent enrollment.

(3) A maximum of \$520,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL DISTRICT SUPPORT

General Fund--State Appropriation \$ 6,155,000

General Fund--Federal Appropriation \$ 6,085,000

Drug Enforcement and Education

Account Appropriation \$ 13,509,000

TOTAL APPROPRIATION \$ 25,749,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,000 of the general fund--state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$651,000 of the general fund--state appropriation is provided solely for teacher training workshops conducted by the Pacific science center. \$496,000 of this amount is for in-service training in science to be provided to approximately ten percent of the kindergarten through eighth grade teachers each year.

(3) \$872,000 of the general fund--state appropriation and \$413,000 of the general fund--federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve. The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs under RCW 66.08.180(4).

(4) \$3,000,000 of the general fund--state appropriation is provided solely for training of paraprofessional classroom assistants and classroom teachers to whom the assistants are assigned.

(5) \$150,000 of the general fund--state appropriation is provided solely for school district staff training and materials to implement the architecture and children program.

(6) \$10,300,000 of the drug enforcement and education account appropriation is provided to support school district substance abuse awareness programs as provided under chapter 28A.170 RCW. Grant awards to participating districts shall be not less than grants awarded for the 1989-91 biennium, unless the district requests a lesser amount or does not apply. Not more than \$50,000 of this amount may be used to evaluate the programs funded in this subsection.

(7) \$3,209,000 of the drug enforcement and education account appropriation is provided solely for matching grants to enhance security in secondary schools. Not more than seventy-five percent of a district's total expenditures for school security in any school year may be paid from a grant under this subsection. The grants shall be expended solely for the costs of employing or contracting for building security monitors in secondary schools during school hours and school events. Of the amount provided in

this subsection, at least \$3,000,000 shall be spent for grants to districts that, during the 1988-89 school year, employed or contracted for security monitors in schools during school hours. However, these grants may be used only for increases in school district expenditures for school security over expenditure levels for the 1988-89 school year.

(8) \$30,000 of the general fund--federal appropriation is provided solely for inservice training for elementary teachers on innovative methods of encouraging girls and minority students to develop and pursue an interest in math and science.

(9) \$1,200,000 of the general fund--state appropriation is provided solely for support to strengthen school district management.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL AND PILOT PROGRAMS

General Fund--State Appropriation	\$	62,036,000
General Fund--Federal Appropriation	\$	11,500,000
TOTAL APPROPRIATION	\$	73,536,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,231,000 of the general fund--state appropriation is provided solely for a contract with the Pacific science center for travelling van programs and other educational services for public schools.

(2) \$88,000 of the general fund--state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$2,000,000 of the general fund--federal appropriation is provided solely to fund innovative programs that are targeted to providing special assistance to at-risk students.

(4) \$2,312,000 of the general fund--state appropriation is provided solely for the beginning teachers assistance program established under RCW 28A.405.450. Moneys shall be distributed under this subsection at a maximum rate per mentor/beginning teacher team of \$1,780 per year.

(5) \$204,000 of the general fund--state appropriation is provided solely for child abuse education provisions of RCW 28A.300.150 through 28A.300.160.

(6) \$50,000 of the general fund--state appropriation is provided solely to implement chapter 252, Laws of 1991 (Substitute House Bill No. 1885, teacher recruiting).

(7) \$6,000,000 of the general fund--state appropriation is provided solely for a complex needs factor. \$3,333,000 of this amount shall be provided for the 1991-92 school year to districts according to LEAP Document 30, developed by the legislative evaluation and accountability program committee on June 27, 1991, at 13:40 hours. Funds shall be allocated for the 1992-93 school year according to LEAP Document 30 unless the superintendent develops a new complex needs formula and the legislature enacts a new formula. Development of the complex needs formula shall include consideration of elements included in LEAP Document 30, including ratios of students qualifying for free and reduced-price meals, students participating in bilingual education, and the number of different language or dialect programs offered.

(8) \$900,000 of the general fund--state appropriation is provided solely for grants to school districts for programs to employ low-income students in grades ten through twelve as tutors for students in kindergarten through grade nine. School districts receiving these grants shall pay student tutors at least minimum wage. The tutoring shall be conducted after school hours. The school districts shall provide training and supervision of the student tutors.

(9) \$1,400,000 of the general fund--state appropriation is provided solely for grants for drop-out prevention and retrieval programs established under chapter 28A.175 RCW.

(10) \$126,000 of the general fund--state appropriation is provided to operate a toll-free telephone number at the Lifeline Institute to assist school districts in youth suicide prevention.

(11) \$1,519,000 of the general fund--state appropriation is provided solely for grants to public or private nonprofit organizations to assist parents of children in headstart or

early childhood education and assistance programs who are enrolled in adult literacy classes or tutoring programs under RCW 28A.610.010 through 28A.610.020. Grants provided under this subsection may be used for scholarships, costs of transportation and child care, and other support services. Moneys provided under this subsection may not be used by the superintendent of public instruction for state administrative costs.

(12) \$9,981,000 of the general fund--state appropriation is provided solely for the schools for the twenty-first century pilot programs established under RCW 28A.630.100 through 28A.630.290.

(13) \$15,000,000 of the general fund--state appropriation is provided solely for early intervention and prevention services.

(a) School districts and educational service districts receiving moneys under this subsection shall enter into interagency agreements for coordinated case management with regional support networks if available, or counties if not available, or community-based public or private human service providers. To the greatest extent possible, the delivery of services to students shall not be duplicative of other programs, shall maximize the use of community-based and school-based intervention specialists, and shall emphasize the most efficient and cost-effective use of these funds. Districts shall use these funds to provide services to students with priority based on need and shall emphasize provision of services for seriously emotionally disturbed children. Services for such seriously emotionally disturbed children shall be provided to the maximum extent possible through collaborative models using mental health providers approved by the regional support networks or the county in which the district is located.

(b) The superintendent of public instruction shall distribute funds provided in this subsection equitably to all school districts based on the district's enrollment in kindergarten through grade six. However, the allocations for school districts enrolling fewer than 1,000 full time equivalent students shall be distributed to the educational service district in which the district is located. The educational service district shall use the allocation to provide early intervention and prevention services under a cooperative agreement between the district and the educational service district. Educational service districts shall coordinate the use of staff and resources to serve school districts under this section. School districts and educational service districts may not use the grants to supplant funding from other sources previously provided for counseling or intervention services.

(c) If separate legislation establishing the Fair Start program is enacted by July 31, 1991, (b) of this subsection shall be null and void.

(14) \$4,000,000 of the general fund--state appropriation is provided solely for grants, based on enrollments, to the Seattle and Tacoma school districts for magnet school programs established to encourage racial integration of schools through voluntary student transfers. The grants shall be used solely to support the development and implementation of specialized curricula and instructional programs that assist in the elimination, reduction, or prevention of minority group isolation. Placement of students in magnet programs shall not be based on test scores or grades. Grants shall be expended solely for planning and promotional activities; acquisition of books, materials, and equipment needed specifically to implement magnet programs; staff training designed specifically to assist in the development of magnet programs; and certificated staff assigned to instructional programs that are in addition to the school's core basic skills curriculum and that are an integral part of the magnet program. Grants may be used for staff development days only if these days are in addition to district-wide increases in supplemental contract days for certificated instructional staff.

(15) \$25,000 of the general fund--state appropriation is provided solely for a program acknowledging the contributions of persons awarded the United States Medal of Honor.

(16) \$50,000 of the general fund--state appropriation is provided solely for grants to school districts to develop model secondary school projects that combine academic and vocational education into a single instructional system. The projects shall integrate vocational and academic curriculum, emphasize increased guidance and counseling for students, and include active participation by employers, community service providers, parents, and community members.

(17) \$500,000 of the general fund--state appropriation is provided solely for grants for homeless children education programs. The grant applications shall be submitted jointly by school districts and at least one shelter within the district serving homeless families. The grants are not intended to fund separate instructional programs for homeless children unless the services are necessary to facilitate adjustment into a regular classroom setting. The grants may be used for staffing, for coordinating the transfer of records, for transportation, for student assessment, or for other individualized instruction or assistance.

(18) \$50,000 of the general fund--federal appropriation is provided solely for a pilot program for teenage suicide prevention through the Federal Way school district. None of this amount may be used by either the district or the superintendent of public instruction for indirect costs.

(19) \$50,000 of the general fund--state and \$50,000 of the general fund--federal appropriation is provided solely for a pilot program for teenage suicide prevention in the Northshore school district.

(20) \$15,000,000 of the general fund--state appropriation is provided solely to implement the reach for excellence program to provide grants to local school districts to develop outcome-based educational programs and methods of assessing students' achievement.

(a) The superintendent shall administer the program on a competitive grant basis and may appoint an advisory committee. Grants may be used for planning, staff development, and training; purchase of instructional materials, supplies, and resources; development of new measures to assess student performance; and implementation of outcome-based educational programs.

(b) If separate legislation enacting the reach for excellence program is enacted by July 31, 1991, (a) of this subsection shall be null and void.

(21) \$2,000,000 of the general fund--state appropriation is provided solely for grants to school districts of the second class under RCW 28A.315.230. The superintendent shall provide grants based on full time equivalent enrollment to applicant school districts meeting all of the following criteria:

(a) The median household income of the district is at least twenty percent below the state average;

(b) The number of families receiving aid to families with dependent children exceeds the state-wide average by twenty percent;

(c) The number of persons unemployed exceeds the state-wide average by twenty percent;

(d) The assessed valuation of property for excess levy purposes would require a levy rate of more than two dollars per one thousand dollars of valuation to raise a ten percent levy;

(e) The district does not receive federal impact aid in excess of the maximum amount the district would be eligible to raise with a ten percent levy; and

(f) The district does not receive federal forest moneys in excess of its basic education allocation.

However, if a second class school district is a joint district under RCW 28A.315.350, the criteria under this subsection shall be applied based upon the county which comes closest to meeting the criteria under this subsection.

(22) \$500,000 of the general fund--state appropriation is provided solely to implement chapter 258, Laws of 1991 (Substitute Senate Bill No. 5504, student teaching centers).

(23) \$100,000 of the general fund--state appropriation is provided solely for a cooperative alternative high school operated jointly by the Willapa Valley, Raymond, and South Bend school districts.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR ENCUMBRANCES OF FEDERAL GRANTS

General Fund Appropriation--Federal \$ 51,216,000

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund Appropriation \$ 23,882,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,395,000 is provided solely for the remaining months of the 1990-91 school year.

(2) The superintendent shall distribute funds for the 1991-92 and 1992-93 school years at a rate for each year of \$508.82 per eligible student.

(3) For a student served more than twenty-five percent of the school day in a transitional bilingual program, the superintendent of public instruction shall ensure that state basic education funds generated by the student are expended, to the greatest extent practical, in the instruction of that student.

(4) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 91,732,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,850,000 is provided solely for the remaining months of the 1990-91 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1991-92 and 1992-93 school years at a maximum rate of \$426 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.155 RCW. In determining these allocations, the superintendent shall use the most recent prior five-year average scores on the fourth grade and eighth grade state-wide basic skills tests.

(3) Project funding for special services demonstration projects shall be allocated and disbursed under chapter 265, Laws of 1991 (Engrossed Substitute House Bill No. 1329, special services demonstration projects).

NEW SECTION. Sec. 521. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ 3,584,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$1,792,000 of the general fund appropriation may be expended during fiscal year 1992.

NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS

General Fund Appropriation \$ 58,724,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,605,000 of the general fund appropriation is provided solely for the remaining months of the 1990-91 school year.

(2) School districts receiving moneys pursuant to this section shall expend such moneys to meet educational needs identified by the district within the following program areas:

- (a) Prevention and intervention services in the elementary grades;
- (b) Reduction of class size;
- (c) Early childhood education;
- (d) Student-at-risk programs, including dropout prevention and retrieval, and substance abuse awareness and prevention;
- (e) Staff development and in-service programs;
- (f) Student logical reasoning and analytical skill development;
- (g) Programs for highly capable students;
- (h) Programs involving students in community services;
- (i) Senior citizen volunteer programs; and
- (j) Other purposes that enhance a school district's basic education program including purchase of instructional materials and supplies and other nonemployee-related costs.

Program enhancements funded pursuant to this section do not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder, nor shall such funding as now or hereafter appropriated and allocated constitute levy reduction funds for purposes of RCW 84.52.0531.

(3)(a) Allocation to eligible school districts for the 1991-92 and 1992-93 school years shall be calculated on the basis of average annual full time equivalent enrollment, at an annual rate of up to \$35.26 per pupil. For school districts enrolling not more than one hundred average annual full time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be determined as follows:

(i) Enrollment of not more than sixty average annual full time equivalent students in grades kindergarten through six shall generate funding based on sixty full time equivalent students;

(ii) Enrollment of not more than twenty average annual full time equivalent students in grades seven and eight shall generate funding based on twenty full time equivalent students; and

(iii) Enrollment of sixty or fewer average annual full time equivalent students in grades nine through twelve shall generate funding based on sixty full time equivalent students.

(b) Allocations shall be distributed on a school-year basis pursuant to RCW 28A.510.250.

NEW SECTION. Sec. 523. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR CERTIFICATED INSTRUCTIONAL STAFF--LONGEVITY SALARY INCREMENTS

General Fund Appropriation \$ 48,611,000

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is intended to provide eligible certificated instructional staff an average 3.2 percent increment for an additional year of experience in each school year, based on LEAP Document 1R as developed on March 29, 1990, at 11:00 hours.

(2) The superintendent shall transfer the following amounts to the specified programs:

(a) \$42,144,000 to General Apportionment, section 502 of this act;

(b) \$6,252,000 to the Handicapped Education Program, section 509 of this act; and

(c) \$215,000 to the Institutional Education Program, section 514 of this act.

(3) Certificated instructional staff salary allocations in the specified programs shall be allocated in accordance with sections 502 and 503 of this act.

"PART VI

HIGHER EDUCATION"

NEW SECTION. Sec. 601. HIGHER EDUCATION. The appropriations in sections 602 through 610 of this act are subject to the following conditions and limitations:

(1) "Institutions of higher education" means the institutions receiving appropriations pursuant to sections 602 through 610 of this act.

(2) The legislature affirms that institutions of higher education have the flexibility to manage their academic and other programs in accordance with their missions, including the improvement, expansion, addition, and reduction of programs as approved by the higher education coordinating board. An integral part of this flexibility is the responsibility of each institution to use their instructional support funds on supplies, materials, equipment, staffing, and other services necessary to support and improve instruction. By June 1, 1992, the higher education coordinating board shall report to the legislature: (a) Defining instructional support expenditures and indirect or supporting expenditures; (b) identifying how much each institution is spending in these areas; and (c) recommending guidelines and relative percentages for these expenditures.

(3)(a) Student Quality Standard: Each institution and branch campus shall adhere to biennial budgeted enrollment levels. For the 1991-93 fiscal biennium, each institution of higher education shall spend not less than the average biennial amount listed in this subsection per full time equivalent student, plus or minus two percent. The amount includes total appropriated general fund state operating expenditures, less expenditures for plant maintenance and operation, with the exception of Washington State University, where cooperative extension and agriculture research expenditures are also excluded.

University of Washington	\$	9,996
Washington State University	\$	8,084
Eastern Washington University	\$	5,906
Central Washington University	\$	5,932
The Evergreen State College	\$	7,463
Western Washington University	\$	5,694
State Board for Community College Education	\$	3,551

(b) Budgeted Enrollments: Each institution shall enroll to its budgeted biennial average full time equivalent enrollments, plus or minus two percent, except each branch campus shall enroll within plus or minus twelve percent. If the estimated 1991-93 average biennial full time equivalent student enrollment of an institution or branch campus (as estimated on April 30, 1993, by the office of financial management using spring enrollment reports submitted by the institutions) varies from the biennial budgeted amount by more than two percent, or twelve percent for each branch campus, an amount equal to the student quality standard as included in (3)(a) of this subsection per full time equivalent student above or below the two percent or twelve percent branch campus variance shall revert to the state general fund.

	Average 1991-93 Budgeted FTEs
University of Washington	
Main campus	29,981
Tacoma branch	345
Bothell branch	348
Washington State University	
Main campus	15,862
Tri-Cities branch	467
Vancouver branch	343
Spokane branch	104
Eastern Washington University	7,281
Central Washington University	6,361
The Evergreen State College	3,159
Western Washington University	8,913
State Board for Community College Education	88,350

(c) Facilities Quality Standard: During the 1991-93 biennium, no institution of higher education may allow its expenditures for plant operation and maintenance to fall more than five percent below the amounts allotted for this purpose.

(4)(a) The amounts specified in (b), (c), and (d) of this subsection are maximum amounts that each institution may spend from the appropriations in sections 602 through 610 of this act for staff salary increases on January 1, 1992, and January 1, 1993, excluding classified staff salary increases, and subject to all the limitations contained in this section.

(b) The following amounts shall be used to provide instruction and research faculty at each four-year institution an average salary increase of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993.

	1991-92	1992-93
University of Washington \$	2,888,000	8,086,000
Washington State University \$	1,157,000	3,544,000
Eastern Washington University \$	435,000	1,190,000
Central Washington University \$	393,000	1,053,000
The Evergreen State College \$	185,000	502,000
Western Washington University \$	540,000	1,446,000

(c) The following amounts shall be used to provide exempt professional staff, academic administrators, academic librarians, counselors, and teaching and research assistants as classified by the office of financial management, at each four-year institution, and the higher education coordinating board an average salary increase of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993. In providing these increases, institutions shall ensure that each person employed in these classifications is granted a salary increase of 3.1 percent on January 1, 1992, and 3.4 percent on January 1, 1993. The remaining amounts shall be used by each institution to grant salary increases on January 1, 1992, and on January 1, 1993 that address its most serious salary inequities among exempt staff within these classifications.

	1991-92	1992-93
University of Washington \$	918,000	2,720,000
Washington State University \$	625,000	1,898,000
Eastern Washington University \$	118,000	348,000
Central Washington University \$	93,000	275,000
The Evergreen State College \$	79,000	232,000

Western Washington University \$	138,000	407,000
Higher Education Coordinating Board \$	25,000	75,000

(d) \$4,342,000 for fiscal year 1992 and \$11,701,000 for fiscal year 1993 are provided solely for the state board for community college education to provide faculty and exempt staff for the community college system as a whole, average salary increases of 3.9 percent on January 1, 1992, and 3.9 percent on January 1, 1993.

(e) The salary increases authorized under this subsection may be granted to state employees at Washington State University who are supported in full or in part by federal land grant formula funds.

(5) In no case may the funds provided under this subsection and subsection (4) of this section be used to grant a salary increase exceeding \$3,900 in fiscal year 1992, or \$3,900 in fiscal year 1993, to any person whose annual salary exceeds \$100,000.

(6)(a) The following amounts from the appropriations in sections 602 and 610 of this act, or as much thereof as may be necessary, shall be spent to provide employees classified by the higher education personnel board a 3.6 percent across-the-board increase effective January 1, 1992, and an additional 3.6 percent across-the-board increase effective January 1, 1993.

	1991-92	1992-93
University of Washington \$	1,422,000	4,316,000
Washington State University \$	868,000	2,647,000
Eastern Washington University \$	214,000	651,000
Central Washington University \$	172,000	525,000
The Evergreen State College \$	131,000	396,000
Western Washington University \$	232,000	724,000
State Board for Community College Education \$	1,323,000	4,031,000
Higher Education Coordinating Board \$	12,000	36,000

(b) The salary increases granted in this subsection (6) of this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(c) No salary increases may be paid under this subsection (6) of this section to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(7) The following amounts are provided to fund as much as may be required for salary increases resulting from the higher education personnel board's job classification revision of clerical support staff, as adopted by the board on January 3, 1991, and revised by the board on February 14, 1991.

University of Washington \$	2,386,000
Washington State University \$	1,057,000
Eastern Washington University \$	239,000
Central Washington University \$	198,000
The Evergreen State College \$	265,000
Western Washington University \$	289,000
State Board for Community College Education \$	1,634,000
Higher Education Coordinating Board \$	26,000

(8) No institution of higher education may deduct more than fifteen percent for administrative overhead from any amount received for services performed under a contract or interagency agreement with an agency or department of the state without prior approval from the office of financial management. This subsection applies to new or renewed contracts and interagency agreements entered into after June 30, 1990.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$ 718,695,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) At least \$3,640,000 shall be spent on assessment of student outcomes.
- (2) At least \$1,500,000 shall be spent to recruit and retain minorities.
- (3) The 1991-93 enrollment increases funded by this appropriation shall be distributed among the community college districts based on the weighted prorated percentage enrollment plan developed by the state board for community college education, and contained in the legislative budget notes.

(4) \$2,204,000 is provided solely for 500 supplemental FTE enrollment slots to implement section 17, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities).

(5) At least \$1,500,000 shall be spent as grants to the community college districts to fund unusually high start-up costs for training programs.

(6) At least \$75,000 shall be used as payment to the state board for vocational education for the Lower Columbia College job skills program.

(7) In addition to any other compensation adjustments provided in this act, salary increments may be funded by community college districts to the extent that funds are available from staff turnover. A maximum of \$1,000,000 of the appropriation in this section may be expended to supplement savings from staff turnover for the payment of faculty salary increments. The state board for community college education shall issue system-wide guidelines for the payment of salary increments for full time faculty by community college districts and monitor compliance with those guidelines.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	689,120,000
Medical Aid Fund Appropriation	\$	3,625,000
Accident Fund Appropriation	\$	3,625,000
Death Investigations Account Appropriation	\$	1,033,000
Oil Spill Administration Account Appropriation	\$	229,000
TOTAL APPROPRIATION	\$	697,632,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$9,007,000 shall be spent to operate upper-division and graduate level courses offered at the Bothell branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) At least \$7,664,000 shall be spent to operate upper-division and graduate level courses offered at the Tacoma branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) At least \$400,000 shall be spent on assessment of student outcomes.

(4) At least \$696,000 shall be spent to recruit and retain minorities.

(5) \$575,000 is provided solely to operate the Olympic natural resources center.

(6) \$229,000 of the oil spill administration account appropriation is provided solely to implement section 10, chapter 200, Laws of 1991 (Engrossed Substitute House Bill No. 1027, hazardous substance spills).

(7) \$669,000 is provided solely to add 75 student FTEs to the evening degree program.

NEW SECTION. Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 381,720,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$7,917,000 shall be spent to operate upper-division and graduate level courses offered at the Tri-Cities branch campus. At least \$500,000 of this amount is provided solely to implement sections 6, 7, and 8, chapter 341, Laws of 1991 (Engrossed Substitute House Bill No. 1426, research and extension programs). The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(2) At least \$7,125,000 shall be spent to operate upper-division and graduate level courses offered at the Vancouver branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(3) At least \$7,107,000 shall be spent to operate graduate level courses offered at the Spokane branch campus. The amount referenced in this subsection does not include amounts authorized for 1991-93 salary increases.

(4) At least \$400,000 shall be spent on assessment of student outcomes.

(5) At least \$300,000 shall be spent to recruit and retain minorities.

(6) \$60,000 is provided solely for the aquatic animal health program.

NEW SECTION. Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 103,396,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) At least \$200,000 shall be spent to recruit and retain minorities.

NEW SECTION. Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 88,061,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) At least \$151,000 shall be spent to recruit and retain minorities.

NEW SECTION. Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 55,374,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) At least \$100,000 shall be spent to recruit and retain minorities.

NEW SECTION. Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 115,445,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$400,000 shall be spent on assessment of student outcomes.

(2) At least \$200,000 shall be spent to recruit and retain minorities.

NEW SECTION. Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation \$ 4,633,000

General Fund--Federal Appropriation \$ 230,000

TOTAL APPROPRIATION \$ 4,863,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies, and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation is provided solely to continue the Washington state writing demonstration project to be administered by the board or its

designee. Under the project, proposals shall be competitively selected that enhance the skills of writing teachers in grades kindergarten through twelve in Washington public schools. The board shall evaluate the project by September 1, 1992, and recommend to the governor and legislature whether or not it should be continued.

(2) The higher education coordinating board shall implement the following measures regarding tuition and fee waivers, reduced fees, and residency exemptions:

(a) Each state university, regional university, state college, and the community college system shall include a special report on tuition and fee waivers in its biennial budget request.

(b) By December 1, 1991, in cooperation with the house of representatives and senate higher education and fiscal committees, the board shall develop and recommend evaluation criteria. The criteria shall include, but not be limited to, consideration of a financial needs test and a reauthorization requirement. The criteria for space-available waiver programs shall include, but not be limited to, consideration of overall access, demand, and effectiveness in achieving program goals.

(c) Using the criteria, the board shall review and evaluate at least half of the existing programs by June 30, 1993, and recommend the continuation, modification, or termination of evaluated programs to the governor, the legislature, and the institutions of higher education.

(3) \$52,000 of the general fund--state appropriation is provided solely to implement sections 7 and 8, chapter 228, Laws of 1991 (Engrossed Substitute Senate Bill No. 5475, higher education services for students with disabilities).

(4) \$70,000 of the general fund--state appropriation is provided solely for a higher education faculty compensation study. By June 1, 1992, the higher education coordinating board, in consultation with the state board for community college education and with the cooperation of the institutions of higher education, shall report to the appropriate committees of the legislature on higher education faculty compensation. The report shall include historical and current information as well as recommendations regarding: (a) Salary increments; (b) salary disparity among institutions and within departments of institutions; and (c) performance-based compensation plans.

(5) \$230,000 of the general fund--state appropriation is provided solely for the purposes of section 5, chapter 322, Laws of 1991 (Engrossed Substitute House Bill No. 1960, health personnel resources plan).

(6) \$546,000 of the general fund--state appropriation is provided solely to implement sections 18 through 21, chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555, timber dependent communities).

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation	\$	74,898,000
General Fund--Federal Appropriation	\$	3,326,000
State Education Grant Account Appropriation	\$	40,000
TOTAL APPROPRIATION	\$	78,264,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,012,000 of the general fund--state appropriation is provided solely for the displaced homemakers program.

(2) \$467,000 of the general fund--state appropriation is provided solely for the western interstate commission for higher education.

(3) \$73,419,000 of the general fund--state appropriation is provided solely for student financial aid, including all administrative costs. Of this amount:

(a) \$66,639,000 is provided solely for the state need grant and state work study programs. Not less than \$24,200,000 shall be expended for state work study grants. Any state need grant moneys not awarded by April 1 of each year may be transferred to the state work study program for distribution.

(b) \$2,000,000 is provided solely for educational opportunity grants.

(c) \$150,000 is provided solely for the health professional loan repayment program.

(d) \$234,000 of the general fund--state appropriation is provided solely to implement chapter 255, Laws of 1991 (Second Substitute Senate Bill No. 5022, teacher excellence awards).

(e) A maximum of \$350,000 may be expended to increase the financial aid administrative budget, excluding the four percent state work study program administrative allowance provision.

NEW SECTION. Sec. 611. FOR THE JOINT CENTER FOR HIGHER EDUCATION

General Fund Appropriation	\$	613,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to carry out the administrative and fiscal responsibilities of the joint center for higher education pursuant to chapter 205, Laws of 1991 (House Bill No. 2198, joint center for higher education).

NEW SECTION. Sec. 612. FOR THE COMPACT FOR EDUCATION

General Fund Appropriation	\$	101,000
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NEW SECTION. Sec. 613. FOR THE STATE BOARD FOR VOCATIONAL EDUCATION

General Fund--State Appropriation	\$	4,043,000
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General Fund--Federal Appropriation	\$	33,067,000
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TOTAL APPROPRIATION	\$	37,110,000
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NEW SECTION. Sec. 614. FOR THE WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

General Fund Appropriation	\$	3,143,000
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NEW SECTION. Sec. 615. FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund

Appropriation	\$	2,405,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,000 is provided solely for salary increases for staff of the higher education personnel board resulting from the higher education personnel board's job classification revision of clerical support staff.

(2) \$60,000 is provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for classified and exempt staff of the higher education personnel board.

NEW SECTION. Sec. 616. FOR WASHINGTON STATE LIBRARY

General Fund--State Appropriation	\$	14,495,000
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General Fund--Federal Appropriation	\$	4,671,000
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General Fund--Private/Local Appropriation	\$	46,000
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TOTAL APPROPRIATION	\$	19,212,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,463,516 of the general fund appropriation, of which \$54,000 is from federal funds, are provided solely for a contract with the Seattle public library for library services for the blind and physically handicapped.

(2) \$100,000 of the general fund--state appropriation is provided solely to contract for provision of compiled business data regarding the Pacific rim region. Contracts shall be limited to Washington state libraries that comprise the Pacific rim business information service.

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation	\$	4,706,000
General Fund--Federal Appropriation	\$	900,000
TOTAL APPROPRIATION	\$	5,606,000

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	1,278,000
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NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund Appropriation	\$	922,000
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NEW SECTION. Sec. 620. FOR THE STATE CAPITOL HISTORICAL ASSOCIATION

General Fund Appropriation	\$	1,117,000
State Capitol Historical Association Museum		
Account Appropriation	\$	135,000
TOTAL APPROPRIATION	\$	1,252,000

NEW SECTION. Sec. 621. FOR THE STATE SCHOOL FOR THE DEAF

General Fund Appropriation--State	\$	12,450,000
General Fund Appropriation--Federal	\$	235,000
TOTAL APPROPRIATION	\$	12,685,000

NEW SECTION. Sec. 622. FOR THE STATE SCHOOL FOR THE BLIND

General Fund Appropriation--State	\$	6,657,000
General Fund Appropriation--Federal	\$	68,000
TOTAL APPROPRIATION	\$	6,725,000

"PART VII

SPECIAL APPROPRIATIONS"

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL FUND BOND DEBT

General Fund Appropriation	\$	600,303,000
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This appropriation is for deposit into the accounts listed in section 801 of this act.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account		
Appropriation	\$	23,896,000
University of Washington Hospital Bond Retirement		
Fund 1975 Appropriation	\$	1,178,000
Office-Laboratory Facilities Bond Redemption Fund		
Appropriation	\$	274,000
Higher Education Bond Retirement Fund 1979		
Appropriation	\$	2,560,000
State General Obligation Bond Retirement Fund 1979		
Appropriation	\$	19,126,000
TOTAL APPROPRIATION	\$	47,034,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

Community College Refunding Bond Retirement Fund		
1974 Appropriation	\$	9,793,000

Community College Capital Construction Bond Redemption Fund 1975, 1976, 1977 Appropriation	\$	10,292,000
Higher Education Bond Retirement Fund 1979 Appropriation	\$	13,525,000
Washington State University Bond Redemption Fund 1977 Appropriation	\$	518,000
Higher Education Refunding Bond Redemption Fund 1977 Appropriation	\$	6,988,000
State General Obligation Bond Retirement Fund 1979 Appropriation	\$	42,251,000
TOTAL APPROPRIATION	\$	83,367,000

NEW SECTION, Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Common School Building Bond Redemption Fund 1967 Appropriation	\$	6,910,000
State Building Bond Redemption Fund 1967 Appropriation	\$	654,000
State Building and Parking Bond Redemption Fund 1969 Appropriation	\$	2,450,000
TOTAL APPROPRIATION	\$	10,014,000

NEW SECTION, Sec. 705. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY MOTOR VEHICLE FUND REVENUE

Highway Bond Retirement Fund Appropriation	\$	192,403,518
Ferry Bond Retirement Fund 1977 Appropriation	\$	28,172,551
TOTAL APPROPRIATION	\$	220,576,069

NEW SECTION, Sec. 706. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

State Convention and Trade Center Appropriation	\$	8,926
Excess Earnings Account Appropriation	\$	750,000
State/Local Improvements Revolving Account Appropriation	\$	3,574
State/Local Improvements Revolving Account Waste Disposal Facilities Appropriation	\$	13,388
State Building Construction Account Appropriation	\$	44,715,566
State/Local Improvements Revolving Account Water Supply Facilities Appropriation	\$	2,680
Motor Vehicle Fund Appropriation	\$	1,542,000
Urban Arterial Trust Account Appropriation	\$	552,496
Labor and Industries Construction Appropriation	\$	583,115
TOTAL APPROPRIATION	\$	48,171,745
Total Bond Retirement and Interest Appropriation	\$	1,009,464,782

NEW SECTION, Sec. 707. FOR THE GOVERNOR--FOR TRANSFER TO THE TORT CLAIMS REVOLVING FUND

General Fund Appropriation	\$	9,532,000
Motor Vehicle Fund Appropriation	\$	8,942,000
Wildlife Fund Appropriation	\$	106,000

Accident Fund Appropriation	\$	4,000
Ferry System Revolving Account Appropriation	\$	4,744,000
Liquor Revolving Fund Appropriation	\$	378,000
Lottery Administrative Account	\$	50,000
Resource Management Cost Account Appropriation	\$	980,000
Public Service Revolving Account Appropriation	\$	48,000
TOTAL APPROPRIATION	\$	24,784,000

NEW SECTION. Sec. 708. FOR THE GOVERNOR--EMERGENCY FUND

General Fund Appropriation	\$	1,500,000
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The appropriation in this section is for the governor's emergency fund, for the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--TORT DEFENSE SERVICES

General Fund Appropriation	\$	1,542,000
Special Fund Agency Tort Defense Services		
Revolving Fund Appropriation	\$	850,000
TOTAL APPROPRIATION	\$	2,392,000

The appropriations in this section are subject to the following conditions and limitations: To facilitate payment of tort defense services from special funds, the state treasurer is directed to transfer sufficient moneys from each special fund to the special fund tort defense services revolving fund, in accordance with schedules provided by the office of financial management. The governor shall distribute the moneys appropriated in this section to agencies to pay for tort defense services.

NEW SECTION. Sec. 710. FOR THE OFFICE OF FINANCIAL MANAGEMENT--BELATED CLAIMS

(1) There is appropriated to the office of financial management for payment of supplies and services furnished in previous biennia, from the General Fund

.....	\$	800,000
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(2) The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1993, in order to reimburse the general fund for expenditures from belated claims, to be disbursed on vouchers approved by the office of financial management:

Management Account	\$	562
Winter Recreational Program Account	\$	75
Snowmobile Account	\$	226
Flood Control Assistance Account	\$	1,354
Aquatic Lands Enhancement	\$	6
State Investment Board Expense Account	\$	1,995
State Toxics Control Account	\$	671
State Emergency Water Projects Revolving Account	\$	16
State and Local Improvement Revolving Account--		
Waste Disposal Facilities	\$	384
Local Toxics Control Account	\$	3,626
Litter Control Account	\$	173
State Patrol Highway Account	\$	29,500
State Wildlife Fund	\$	31,700
Motor Vehicle Fund	\$	42,708
High Capacity Transportation Account	\$	7,110
Public Service Revolving Account	\$	3,038
Insurance Commissioner's Regulatory Account	\$	2,079
State Treasurer's Service Fund	\$	37

Legal Services Revolving Fund	\$	24,362
Municipal Revolving Account	\$	6,249
Department of Personnel Service Fund	\$	1,238
State Auditing Services Revolving Account	\$	2,878
Liquor Revolving Fund	\$	21,372
Department of Retirement Systems Expense Fund	\$	1,234
Accident Fund	\$	3,034
Medical Aid Fund	\$	3,034

NEW SECTION. Sec. 711. FOR SUNDRY CLAIMS The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Pay'n Save Drug Stores, Inc., in settlement of medical assistance pharmacy billings during the 1989-91 biennium: PROVIDED, That the department of social and health services shall seek reimbursement from federal funds to the maximum extent permitted by federal law \$ 8,111.92
- (2) State Auditor, for payment of weed district assessments against state lands pursuant to RCW 17.04.180 \$ 1,715.72

NEW SECTION. Sec. 712. FOR THE GOVERNOR--COMPENSATION--SALARY AND INSURANCE BENEFITS

General Fund State Appropriation	\$	115,019,000
General Fund Federal Appropriation	\$	17,626,000
Special Fund Salary and Insurance Contribution Increase Revolving Fund Appropriation	\$	109,009,000
TOTAL APPROPRIATION	\$	241,654,000

The appropriations in this section, or so much thereof as may be necessary, shall be expended solely for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) \$62,500,000 of the general fund state appropriation, \$16,500,000 of the general fund federal appropriation, and \$41,800,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided solely for a 3.6 percent across-the-board salary increase effective January 1, 1992, and an additional 3.6 percent across-the-board salary increase effective January 1, 1993, for all classified and exempt employees under the state personnel board and commissioned officers of the Washington state patrol.

(2) \$3,100,000 of the general fund state appropriation, \$735,000 of the general fund federal appropriation, and \$107,000 of the special fund salary and insurance contribution are provided solely to:

(a) Grant a 3.1 percent salary increase effective January 1, 1992, and an additional 3.6 percent salary increase effective January 1, 1993, to registered nurses and related job classes requiring licensure as a registered nurse; and

(b) Increase shift differential pay for registered nurses and related job classes requiring licensure as a registered nurse from \$1.00 per hour to \$1.50 per hour for evening shift and from \$1.50 per hour to \$2.50 per hour for night shift.

The salary increases granted in this subsection shall be in addition to any increase granted under subsection (1) of this section, and shall be granted only to employees classified under the state personnel board.

(3) \$860,000 of the general fund state appropriation and \$235,000 of the general fund federal appropriation are provided solely to grant a five-range, or approximately 12.5 percent, salary increase effective July 1, 1991, to the psychologist 5 and psychologist 6 job classes (classes 6816 and 6820) to address problems with recruitment and retention.

(4) \$121,000 of the general fund state appropriation, \$8,000 of the general fund federal appropriation, and \$4,030,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a four range, or approximately ten percent, salary increase effective July 1, 1991, for the transportation technician 2, transportation engineer 2, transportation engineer 5, and right-of-way agent 2 job classes, and all job classes directly indexed to one of those four benchmark job classes.

(5) \$759,000 of the general fund state appropriation, \$147,000 of the general fund federal appropriation, and \$873,000 of the special fund salary and insurance contribution increase revolving fund appropriation are provided for a two-range, or approximately 5 percent, salary increase effective January 1, 1992, for the environmental engineer 2, architect 1, and civil engineer 2 job classes, and all job classes directly indexed to one of those three benchmark job classes.

The salary increase granted in this subsection shall be in addition to any increase granted under subsection (1) of this section.

(6) The governor shall allocate to state agencies \$15,000,000 from the general fund state appropriation, and \$15,000,000 from the special fund salary and insurance contribution increase revolving fund appropriation to fulfill the 1991-93 obligations of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. The amounts allocated under this subsection are for employees classified under both the state personnel board and the higher education personnel board systems.

(7) The salary increases granted in this section shall be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by the 1986 Senate Concurrent Resolution No. 126, where applicable.

(8)(a) The monthly contributions for insurance benefit premiums shall not exceed \$289.95 per eligible employee for fiscal year 1992, and \$321.80 for fiscal year 1993.

(b) The monthly contributions for the margin in the self-insured medical and dental plans and for the operating costs of the health care authority shall not exceed \$8.36 per eligible employee for fiscal year 1992, and \$6.31 for fiscal year 1993.

(c) Any returns of funds to the health care authority resulting from favorable claims experienced during the 1991-93 biennium shall be held in reserve within the state employees insurance account until appropriated by the legislature.

(d) Funds provided under this section, including funds resulting from dividends or refunds, shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this act. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date on which coverage is extended.

(9) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(10) In calculating individual agency allocations for this section, the office of financial management shall calculate the allocation of each subsection separately. The separate allocations for each agency may be combined under a single appropriation code for improved efficiency. The office of financial management shall transmit a list of agency allocations by subsection to the senate committee on ways and means and the house of representatives committee on appropriations.

(11) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the state personnel board.

(12) A maximum of \$7,342,000 of the special fund salary and insurance contribution increase revolving fund appropriation in this section may be expended for salary and benefit increases for ferry workers consistent with the 1991-93 transportation appropriations act.

NEW SECTION. Sec. 713. INCREMENT SALARY INCREASES

The appropriations in Parts I through VI of this act to the agencies and institutions of the state contain \$52,597,000 for the purposes of providing increment salary increases for longevity to employees of the state pursuant to RCW 41.06.150(18), 28B.16.100(18), and other statutes. This amount will provide annual average salary increases of 1.9 percent during the 1991-93 biennium.

NEW SECTION. Sec. 714. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS

The appropriations in this section are subject to the following conditions and limitations: The appropriations shall be made on a quarterly basis.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

	FY 1992	FY 1993
General Fund Appropriation \$	76,000,000	81,500,000
TOTAL APPROPRIATION . . \$		157,500,000

(2) There is appropriated for contributions to the judicial retirement system:

	FY 1992	FY 1993
General Fund Appropriation \$	3,371,000	3,371,000
TOTAL APPROPRIATION . . \$		6,742,000

The appropriation in this subsection is subject to the following conditions and limitations: \$92,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721, judicial retirement system).

(3) There is appropriated for contributions to the judges retirement system:

	FY 1992	FY 1993
General Fund Appropriation \$	506,000	506,000
TOTAL APPROPRIATION . . \$		1,012,000

The appropriation in this subsection is subject to the following conditions and limitations: \$2,000 is provided solely to implement chapter 159, Laws of 1991 (Substitute House Bill No. 1721 judicial retirement system).

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

	FY 1992	FY 1993
General Fund State Appropriation . . \$	1,295,000	3,255,000
Special Retirement Contribution Increase		
Revolving Fund Appropriation \$	900,000	2,100,000
TOTAL APPROPRIATION . . \$		7,550,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to any cost of living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981, on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees retirement system or plan I of the teachers retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) \$4,450,000 of the general fund state appropriation and \$3,000,000 of the special retirement contribution increase revolving fund appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the public employees retirement system to implement subsection (1) of this section.

(3) \$100,000 of the general fund state appropriation, or as much thereof as may be necessary, shall be distributed to state agencies to increase state contributions to the teachers retirement system to implement subsection (1) of this section.

NEW SECTION. Sec. 716. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--RETIREMENT CONTRIBUTIONS

General Fund Appropriation \$ 7,450,000

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to any cost-of-living adjustments provided under RCW 41.32.575, 41.32.487, 41.40.325, or 41.40.1981; on February 1, 1992, the department of retirement systems shall also pay an additional adjustment to any retiree of plan I of the public employees' retirement system or plan I of the teachers' retirement system whose state retirement benefit has a purchasing power of less than 60 percent of the purchasing power of the benefit the retiree received at age 65. Each such retiree shall be given a one-time increase sufficient, when combined with any other adjustment received on July 1, 1991, to restore the purchasing power of the retiree's state retirement benefit to 60 percent of the purchasing power of the benefit received by the retiree at age 65. This increase shall be calculated using the formulas contained in RCW 41.32.575 and 41.40.325 but without regard to RCW 41.32.575(2)(b) and RCW 41.40.325(2)(b), and shall be effective for the remainder of the 1991-93 biennium.

(2) \$5,550,000 for the teachers' retirement system and \$1,900,000 for the public employees' retirement system shall be distributed to local school districts and educational service districts to increase state retirement system contributions to implement subsection (1) of this section.

NEW SECTION. Sec. 717. FOR THE STATE TREASURER--LOANS

General Fund Appropriation--For transfer to the Convention and Trade Center Operating Account	\$	8,766,000
General Fund Appropriation--For transfer to the Community College Capital Projects Account	\$	4,500,000
TOTAL APPROPRIATION	\$	13,266,000

The appropriations in this section are intended as loans to the accounts indicated.

"PART VIII

OTHER TRANSFERS AND APPROPRIATIONS"

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT SUBJECT TO THE STATUTORY DEBT LIMIT

Fisheries Bond Redemption Fund 1977 Appropriation	\$	1,370,000
Water Pollution Control Facilities Bond Redemption Fund 1967 Appropriation	\$	1,844,000
State Building and Higher Education Construction Bond Redemption Fund 1967 Appropriation	\$	1,902,000
State Building (Expo 74) Bond Redemption Fund 1973A Appropriation	\$	376,000
State Building Bond Redemption Fund 1973 Appropriation	\$	3,796,000
State Higher Education Bond Redemption Fund 1973 Appropriation	\$	4,387,000
State Building Authority Bond Redemption Fund Appropriation	\$	9,408,000
Community College Capital Improvement Bond Redemption Fund 1972 Appropriation	\$	7,528,000

State Higher Education Bond Redemption Fund 1974		
Appropriation	\$	1,189,000
Waste Disposal Facilities Bond Redemption Fund		
Appropriation	\$	57,907,000
Water Supply Facilities Bond Redemption Fund		
Appropriation	\$	11,105,058
Recreation Improvements Bond Redemption Fund		
Appropriation	\$	6,021,890
Social and Health Services Facilities 1972 Bond		
Redemption Fund Appropriation	\$	3,712,694
Outdoor Recreation Bond Redemption Fund 1967		
Appropriation	\$	3,967,392
Indian Cultural Center Construction Bond		
Redemption Fund 1976 Appropriation	\$	124,027
Fisheries Bond Redemption Fund 1976		
Appropriation	\$	761,536
Higher Education Bond Redemption Fund 1975		
Appropriation	\$	2,164,887
State Building Bond Retirement Fund 1975		
Appropriation	\$	426,060
Social and Health Services Bond Redemption Fund		
1976 Appropriation	\$	9,467,557
Emergency Water Projects Bond Retirement Fund 1977		
Appropriation	\$	2,624,875
Higher Education Bond Redemption Fund 1977		
Appropriation	\$	16,559,408
Salmon Enhancement Bond Redemption Fund 1977		
Appropriation	\$	3,883,552
Fire Service Training Center Bond Retirement Fund		
1977 Appropriation	\$	739,795
State General Obligation Bond Retirement Bond 1979		
Appropriation	\$	491,009,053
TOTAL APPROPRIATION	\$	642,277,149
NEW SECTION. Sec. 802. FOR THE STATE TREASURER--STATE		
REVENUES FOR DISTRIBUTION		
General Fund Appropriation for fire insurance		
premiums tax distribution	\$	4,600,000
General Fund Appropriation for public utility		
district excise tax distribution	\$	24,314,000
General Fund Appropriation for prosecuting		
attorneys' salaries	\$	2,704,000
General Fund Appropriation for motor vehicle excise		
tax distribution	\$	83,075,000
General Fund Appropriation for local mass transit		
assistance	\$	275,140,000
General Fund Appropriation for camper and travel		
trailer excise tax distribution	\$	2,585,000
General Fund Appropriation for Boating Safety/		
Education and Law Enforcement Distribution	\$	760,000
Aquatic Lands Enhancement Account Appropriation		
for harbor improvement revenue distribution	\$	90,000
Liquor Excise Tax Fund Appropriation for liquor		
excise tax distribution	\$	22,000,000
Motor Vehicle Fund Appropriation for motor vehicle		

fuel tax and overload penalties distribution	\$	359,745,000
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	45,645,850
Timber Tax Distribution Account Appropriation for distribution to "Timber" counties	\$	83,100,000
Municipal Sales and Use Tax Equalization Account Appropriation	\$	44,690,000
County Sales and Use Tax Equalization Account Appropriation	\$	15,100,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$	750,000
County Criminal Justice Account Appropriation	\$	56,152,000
Municipal Criminal Justice Account Appropriation	\$	22,460,000
TOTAL APPROPRIATION	\$	1,042,910,850

NEW SECTION, Sec. 803. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$	70,000,000
General Fund Appropriation for federal flood control funds distribution	\$	78,000
General Fund Appropriation for federal grazing fees distribution	\$	53,000
General Fund Appropriation for distribution of federal funds to counties in conformance with Public Law 97-99	\$	820,000
TOTAL APPROPRIATION	\$	70,951,000

NEW SECTION, Sec. 804. FOR THE STATE TREASURER--TRANSFERS

General Government Special Revenue Fund--State Treasurer's Service Account: For transfer to the general fund on or before July 20, 1993, an amount up to \$11,000,000 in excess of the cash requirements in the State Treasurer's Service Account for fiscal year 1994, for credit to the fiscal year in which earned	\$	11,000,000
General Fund--State: For transfer to the Natural Resources Fund--Water Quality Account	\$	12,753,000
General Fund--State: For transfer to the Flood Control Assistance Account	\$	\$3,700,000
Public Facilities Construction Loan and Grant Revolving Fund: For transfer to the General Fund	\$	631,400
Water Quality Account: For transfer to the water pollution revolving fund. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the revolving fund. The amounts transferred shall not exceed the match required for each federal deposit	\$	14,500,000
Disability Accommodation Revolving Account: For transfer to the General Fund	\$	190,000
Local Toxics Control Account: For transfer to the general fund for reimbursement of expenses paid by the general fund in support of grants to local governments for water quality, remedial actions, and solid and hazardous waste planning purposes	\$	2,003,000

NEW SECTION, Sec. 805. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS

General Fund Appropriation: For transfer to the

Department of Retirement Systems Expense		
Fund	\$	18,000
Motor Vehicle Fund--State Patrol Highway Account		
Appropriation: For transfer to the Department		
of Retirement Systems Expense Fund	\$	118,000

"PART IX

MISCELLANEOUS"

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 1991-93 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) The agency shall produce a feasibility study for each information systems project in accordance with published department of information services instructions. In addition to department of information services requirements, the study shall examine and evaluate the costs and benefits of maintaining the status quo and the costs and benefits of the proposed project. The study shall identify when and in what amount any fiscal savings will accrue, and what programs or fund sources will be affected.

(2) The agency shall produce a project management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information systems project is intended to address; a statement of project objectives and assumptions; definition of phases, tasks, and activities to be accomplished and the estimated cost of each phase; a description of how the agency will facilitate responsibilities of oversight agencies; a description of key decision points in the project life cycle; a description of variance control measures; a definitive schedule that shows the elapsed time estimated to complete the project and when each task is to be started and completed; and a description of resource requirements to accomplish the activities within specified time, cost, and functionality constraints.

(3) A copy of each feasibility study and project management plan shall be provided to the department of information services, the office of financial management, and appropriate legislative committees. Authority to expend any funds for individual information systems projects is conditioned on approval of the relevant feasibility study and project management plan by the department of information services and the office of financial management.

(4) A project status report shall be submitted to the department of information services, the office of financial management, and appropriate legislative committees for each project prior to reaching key decision points identified in the project management plan. Project status reports shall examine and evaluate project management, accomplishments, budget, action to address variances, risk management, cost and benefits analysis, and other aspects critical to completion of a project.

Work shall not commence on any task in a subsequent phase of a project until the status report for the preceding key decision point has been approved by the department of information services and the office of financial management.

(5) If a project review is requested in accordance with department of information services policies, the reviews shall examine and evaluate: System requirements specifications; scope; system architecture; change controls; documentation; user involvement; training; availability and capability of resources; programming languages

and techniques; system inputs and outputs; plans for testing, conversion, implementation, and post-implementation; and other aspects critical to successful construction, integration, and implementation of automated systems. Copies of project review written reports shall be forwarded to the office of financial management and appropriate legislative committees by the agency.

(6) A written post-implementation review report shall be prepared by the agency for each information systems project in accordance with published department of information services instructions. In addition to the information requested pursuant to the department of information services instructions, the post-implementation report shall evaluate the degree to which a project accomplished its major objectives including, but not limited to, a comparison of original cost and benefit estimates to actual costs and benefits achieved. Copies of the post-implementation review report shall be provided to the department of information services, the office of financial management, and appropriate legislative committees.

NEW SECTION. Sec. 903. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. EXPENDITURES UNDER LEASE/PURCHASE FINANCING AGREEMENTS. (1) No moneys appropriated in this act may be expended for the acquisition of equipment or other personal property under financing contracts pursuant to chapter 39.94 RCW, or under other installment purchase agreements unless:

(a) The purchase price of each individual item of equipment or other personal property exceeds \$3,000; and

(b) The term of the installment contract does not exceed the useful life of the items being purchased.

(2) The total principal value of new equipment acquired by the state, as defined in RCW 39.94.020(4), during the 1991-93 biennium and financed pursuant to chapter 39.94 RCW through payments from the general fund shall not exceed \$50,000,000. For purposes of this section, equipment financed with payments from sources additional to the general fund shall be valued in proportion to the ratio of general fund payments to the total payments.

(3) Subsections (1) and (2) of this section do not apply to contracts entered into by the state treasurer to refinance equipment acquired under an installment purchase agreement before July 1, 1991.

(4) The director of financial management shall establish policies and procedures to ensure compliance with this section. This section applies only to contracts or agreements entered into after June 30, 1991.

(5) The office of financial management shall ensure that the state's accounting system provides for the reporting of financing contract payments by state agencies at the subobject level.

(6) The state treasurer shall report by September 1 of each year to the fiscal committees of the house of representatives and the senate on the outstanding principal amounts and annual payment obligations of state agencies acquiring equipment under chapter 39.94 RCW.

(7) The state finance committee may waive the limit on equipment acquisitions established in subsections (1)(a) and (2) of this section for specific agencies and for specific equipment acquisitions if the committee finds that acquiring the equipment under chapter 39.94 RCW offers a substantial financial advantage and serves a compelling need. The state finance committee shall report any waiver granted under this subsection to the fiscal committees of the house of representatives and the senate.

NEW SECTION. Sec. 905. PUBLICATION EXPENDITURES. Appropriations in this act used by a state agency to print and distribute newsletters, reports, or other publications are subject to the following conditions and limitations:

(1) Beginning July 1, 1992, all newsletters, reports, or other publications shall be printed on recyclable materials and, if bound, bound with materials that, if available and cost-effective, are either recyclable or easily separable from the recyclable components. For the purposes of this section, "recyclable materials" means materials that maintain useful properties after serving their original purpose and for which viable recycling systems are operating. The department of general administration shall adopt guidelines to assist agencies in complying with this subsection.

(2) Each state agency shall, on an annual basis, update each active mailing list used to distribute newsletters, reports, or other publications. The state agency shall notify persons and organizations on each mailing list of their presence on the list, and shall request confirmation indicating whether the person or organization wishes to continue to receive the publication. Persons or organizations not affirmatively indicating a desire to continue to receive the publication shall be removed from the mailing list. The department of general administration shall adopt guidelines to assist state agencies in complying with this subsection.

(3) For purposes of this section, "state agency" is defined as provided in RCW 43.19.504(1).

NEW SECTION. Sec. 906. EXPENDITURES FOR PERSONNEL RECRUITMENT. No state agency seeking to fill a vacant position within the agency may use the appropriations in this act to contract with an individual or organization outside of state government for assistance or advice in filling the vacancy. State agencies are encouraged to utilize the staff of the recruitment division, and in particular the executive search specialist, in the department of personnel. This section shall not apply to institutions of higher education, or to judicial or legislative branch agencies. A state agency may apply to the director of the department of personnel for a waiver of the prohibition in this section. If a waiver is granted, the director shall file a report with the office of financial management, the senate ways and means committee, and the house of representatives appropriations committee, stating the reason the waiver was granted and the expected dollar amount of the contract.

NEW SECTION. Sec. 907. EXPENDITURES FOR PERSONAL SERVICE CONTRACTS. No moneys appropriated in this act may be expended for personal service

contracts, as defined under chapter 39.29 RCW, entered into after June 30, 1991, except in compliance with the requirements of this section.

(1) Personal service contracts, and modifications thereto, that provide services relating to management consulting, organizational development, marketing, communications, employee training, or employee recruiting shall be filed with the office of financial management and made available for public inspection at least ten working days prior to the proposed starting date of the contract. The office of financial management shall approve personal service contracts, and modifications thereto, filed under this subsection by agencies of the executive branch before such contracts, and modifications thereto, become binding and before any services may be performed under such contracts. The office of financial management shall adopt rules to implement this subsection.

(2) Documentation of the approval required under RCW 39.29.018(2) for sole source contracts of ten thousand dollars or more shall be filed with the legislative fiscal committees within ten days after the contract is approved by the office of financial management.

(3) Any amendment of or extension to an existing contract, if the value of the amendment or extension exceeds fifty percent of the value of the original contract, or if the amendment substantially changes the scope of the contract, must receive written approval by the office of financial management at least ten working days prior to the proposed starting date of the contract. A copy of the approval shall be transmitted to the legislative fiscal committees.

(4) An agency of the executive branch shall not enter into any contract or combination of contracts with a single firm or individual having a value exceeding one hundred thousand dollars without the written approval of the office of financial management. A copy of the approval shall be transmitted to the legislative budget committee and the legislative fiscal committees.

(5) When preparing allotments for the 1991-93 biennium, the office of financial management shall ensure that the total state-wide expenditures for personal services, as defined in chapter 39.29 RCW, by agencies receiving appropriations in this act do not exceed the total expenditures for personal services incurred during the 1989-91 biennium. For the purposes of this subsection, "agencies" means any state office or activity of the executive and judicial branch of government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

NEW SECTION. Sec. 908. OUT-OF-STATE TRAVEL EXPENDITURES. No moneys appropriated in this act may be expended for costs incurred by employees or officials of the state in travel outside of the state of Washington except as provided in this section.

(1) No expenditures for travel out-of-state involving air transportation or total expenditures exceeding five hundred dollars for any one employee or official may be made unless the travel received the prior written approval of the agency head. In agencies of the executive branch, the approval authority under this subsection shall not be delegated to any other official without the written approval of the director of financial management.

(2) No expenditures for travel out-of-state involving five or more state employees or officials on the same trip and total expenditures exceeding one thousand dollars for each employee or official may be made unless the travel received the prior written approval of: (a) The director of financial management in the case of agencies of the executive branch; or (b) the agency head in the case of agencies of the legislative and judicial branches.

(3) Within sixty days of the end of each fiscal quarter, each agency making an expenditure under subsection (1) or (2) of this section shall file the following information with the legislative budget committee: (a) The destination and duration of each trip; (b)

the total expenditures for the trip, itemized by fund source; (c) the number of persons attending the trip for whom agency expenditures were made; and (d) the purpose of the trip and its relationship to the duties of the agency.

(4) In order to provide accountability of out-of-state travel costs, the office of financial management shall revise state accounting policies and procedures to ensure that one or more accounting objects or subobjects are devoted exclusively to out-of-state travel expenditures, and that such expenditures are not reported, in whole or in part, in any other accounting objects or subobjects.

NEW SECTION. Sec. 909. SAVINGS RECOVERY ACCOUNT. (1) The savings recovery account is hereby established in the state treasury.

(2) The director of the office of financial management shall identify savings realized by affected state agencies as a result of:

(a) The implementation of the recommendations of the motor pool review team of the governor's commission on efficiency and accountability in government;

(b) The implementation of the furniture acquisition study by the governor's commission on efficiency and accountability in government;

(c) The state employees' suggestion award and incentive pay program under chapter 41.60 RCW;

(d) Reduced rates charged by the department of information services resulting from efficiencies in the delivery of services; and

(e) Other specifically identified management efficiencies.

(3) Periodically during the 1991-93 fiscal biennium, and by June 30, 1993, the director of financial management shall withhold from agency appropriations and deposit into the savings recovery account at least \$3,572,000 as a result of implementation of the recommendations, suggestions, and efficiencies listed in subsection (2) of this section. The office of financial management shall report to the fiscal committees of the legislature by January 1, 1992, and January 1, 1993, on the amounts and sources of moneys deposited into the savings recovery account.

NEW SECTION. Sec. 910. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 911. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 912. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 913. LEGISLATIVE FACILITIES. Notwithstanding RCW 43.01.090 the house of representatives, the senate, and the permanent statutory committees shall pay expenses quarterly to the department of general administration facilities and services revolving fund for services rendered by the department for operations, maintenance, and supplies relating to buildings, structures, and facilities used by the legislature for the biennium beginning July 1, 1991.

NEW SECTION. Sec. 914. AGENCY RECOVERIES. Except as otherwise provided by law, recoveries of amounts expended pursuant to an appropriation, including but not limited to payments for material supplied or services rendered under chapter 39.34 RCW, may be expended as part of the original appropriation of the fund to which such recoveries belong, without further or additional appropriation. Such expenditures shall be subject to conditions and procedures prescribed by the director of financial management. The director may authorize expenditure with respect to recoveries accrued but not received, in accordance with generally accepted accounting principles, except that such recoveries shall not be included in revenues or expended against an appropriation for a subsequent fiscal period. This section does not apply to the repayment of loans, except for loans between state agencies.

NEW SECTION. Sec. 915. GENERALLY ACCEPTED ACCOUNTING PRINCIPLES. The appropriations of moneys and the designation of funds and accounts by this and other acts of the 1991 legislature shall be construed in a manner consistent with legislation enacted by the 1985, 1987, and 1989 legislatures to conform state funds and accounts with generally accepted accounting principles.

NEW SECTION. Sec. 916. CHILD CARE FACILITY FUND. Any funds in the child care facility fund which remain unspent on June 30, 1991, shall not lapse.

Sec. 917. RCW 9.46.100 and 1985 c 405 s 505 are each amended to read as follows:

There is hereby created (~~a fund to be known as~~) the (~~(⁽)~~) gambling revolving fund(~~(⁽)~~) which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

The (~~office of financial management may direct the~~) state treasurer (~~to loan~~) shall transfer to the general fund (~~an amount not to exceed \$1,400,000~~) one million dollars from the gambling revolving fund for the (~~(1983-85)~~) 1991-93 fiscal biennium.

Sec. 918. RCW 41.60.050 and 1987 c 387 s 4 are each amended to read as follows:

The legislature shall appropriate from the department of personnel service fund for the payment of administrative costs of the productivity board. However, during the 1991-93 fiscal biennium, the administrative costs of the productivity board shall be appropriated from the savings recovery account.

Sec. 919. RCW 43.08.250 and 1985 c 57 s 27 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs. All earnings of investments of balances in the public safety and education account shall be credited to the general fund. During the fiscal biennium ending June 30, 1993, the legislature may appropriate moneys from the public safety and education account for the purposes of local jail population data collection under RCW 10.98.130, the department of corrections' county partnership

program under RCW 72.09.300, the treatment alternatives to street crimes program, the criminal litigation unit of the attorney general's office, and contracts with county officials to provide support enforcement services.

Sec. 920. RCW 43.09.270 and 1982 c 206 s 1 are each amended to read as follows:

The expense of maintaining and operating the division shall be paid out of the state general fund: PROVIDED, That those expenses directly related to the prescribing of accounting systems, training, maintenance of working capital including reserves for late and uncollectable accounts and necessary adjustments to billings, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280 and 43.09.282, and shall be prorated for that purpose equally among all entities directly affected by such service.

During the fiscal biennium ending June 30, 1993, the expense of maintaining and operating the division of municipal corporations shall be paid from the municipal revolving fund under RCW 43.09.282.

Sec. 921. RCW 43.19.1923 and 1987 c 504 s 17 are each amended to read as follows:

There is created within the department of general administration a revolving fund to be known as the ((=)central stores revolving fund(=)), which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include utilities services. Disbursements from the fund for the purchasing and contract administration activities of the division of purchasing within the department are subject to appropriation and allotment procedures under chapter 43.88 RCW. Disbursements for all other activities within the central stores are not subject to appropriation. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. Central stores, utilities services, and other activities within the central stores revolving fund shall be treated as separate operating entities for financial and accounting control. Financial records involving the central stores revolving fund shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the fund.

Sec. 922. RCW 43.51.280 and 1987 c 466 s 2 are each amended to read as follows:

There is hereby created the trust land purchase account in the state treasury. Any revenues accruing to this account shall be used for the purchase of the property described in RCW 43.51.270(3)(a), to include all reasonable costs of acquisition, and a fee interest or such other interest in state trust lands presently used for park purposes as the state parks and recreation commission shall determine and to reimburse the state parks and recreation commission for the cost of collecting such fees beginning with the 1973-75 fiscal biennium. Any funds remaining in the account shall be used for the renovation and redevelopment of state park structures and facilities to extend the original life expectancy or correct damage to the environment of state parks and for the ~~((maintenance and operation of state parks))~~ administration, maintenance, and operation of state parks and other state parks programs in the ~~((1981-83))~~ 1991-93 biennium. Thereafter, the funds shall not be used for such purposes until the money in the account satisfies the payment required to be made in the contract for sale of lands in RCW 43.51.270(2), the acquisition of the property described in RCW 43.51.270(3)(a), those amounts necessary to pay for the remaining trust assets of timber situated on the lands described in RCW 43.51.270(2), and for the acquisition of the property described in RCW 43.51.270(3) (b), (c), (d), and (e) and 43.51.270(4) on a schedule satisfactory to the board of natural resources. Payments may be delayed for property described in RCW 43.51.270(3) (b), (c), (d), and (e) until the existing contract for purchase of lands in RCW 43.51.270(2) has been paid off. Payments for the property in RCW 43.51.270(4) may be delayed until contracts for purchase of lands and timber described in RCW 43.51.270 (2) and (3) have been paid off.

Payments from the account for those parcels included in RCW 43.51.270(4) shall be established on a schedule which is mutually acceptable to the board of natural resources and the parks and recreation commission. All earnings of investments of balances in the trust land purchase account shall be credited to the general fund.

Sec. 923. RCW 70.146.080 and 1986 c 3 s 11 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

~~((After June 30, 1989, if the tax receipts deposited into the water quality account for the preceding fiscal year are less than forty five million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts up to forty five million dollars.))~~

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 924. RCW 74.13.0903 and 1989 c 381 s 5 are each amended to read as follows:

The office of the child care resources coordinator is established to operate under the authority of the department of social and health services. The office shall, within appropriated funds:

(1) Staff and assist the child care coordinating committee in the implementation of its duties under RCW 74.13.090;

(2) Work with local governments, nonprofit organizations, businesses, and community child care advocates to create local child care resource and referral organizations. These organizations may carry out needs assessments, resource development, provider training, technical assistance, and parent information and training;

(3) Actively seek public and private money for distribution as grants to potential or existing local child care resource and referral organizations. After the 1991-93 fiscal biennium, no grant shall be distributed that is greater than twenty-five thousand dollars;

(4) Adopt rules regarding the application for and distribution of grants to local child care resource and referral organizations. The rules shall, at a minimum, require an applicant to submit a plan for achieving the following objectives:

(a) Provide parents with information about child care resources, including location of services and subsidies;

(b) Carry out child care provider recruitment and training programs;

(c) Offer support services, such as parent and provider seminars, toy-lending libraries, and substitute banks;

(d) Provide information for businesses regarding child care supply and demand;

(e) Advocate for increased public and private sector resources devoted to child care; and

(f) Provide technical assistance to employers regarding employee child care services;

(5) Provide staff support and technical assistance to local child care resource and referral organizations;

(6) Organize the local child care resource and referral organizations into a state-wide system;

(7) Maintain a state-wide child care referral data bank and work with department of social and health services licensors to provide information to local child care resource and referral organizations about licensed child care providers in the state;

(8) Through local resource and referral organizations, compile data about local child care needs and availability for future planning and development;

(9) Coordinate the provision of training and technical assistance to child care providers; and

(10) Collect and assemble information regarding the availability of insurance and of federal and other child care funding to assist state and local agencies, businesses, and other child care providers in offering child care services.

Sec. 925. RCW 82.49.030 and 1989 c 393 s 10 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter shall be deposited in the general fund.

(3) ~~((Until June 30, 1995))~~ For the 1993-95 fiscal biennium, the watercraft excise tax revenues exceeding five million dollars in each fiscal year, but not exceeding six million dollars, may, subject to appropriation by the legislature, be used for the purposes specified in RCW 88.36.100.

NEW SECTION. Sec. 926. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. EMERGENCY CLAUSE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991 except for section 916, which shall take effect immediately.

On page 1, line 3 of the title after "1993;" strike the remainder of the title and insert "amending RCW 9.46.100, 41.60.050, 43.08.250, 43.09.270, 43.19.1923, 43.51.280, 70.146.080, 74.13.0903, and 82.49.030; repealing 1991 c 236 s 10 (uncodified); providing an effective date; and declaring an emergency."

and that the bill do pass as recommended by the Conference Committee.

Signed by Senators McDonald, Niemi and West; Representatives Locke, Ebersole and Silver.

MOTION

Mr. Locke moved that the House adopt the Report of Conference Committee on Engrossed Substitute House Bill No. 1330. The motion was carried.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 1330 as recommended by Conference Committee.

Representatives Ebersole, Silver, Hine, Jones, Zellinsky, Ferguson, Leonard and Locke spoke in favor of passage of the bill, and Mr. Nealey spoke against it.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 1330 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas - 82, Nays - 13, Absent - 0, Excused - 3.

Voting yea: Representatives Anderson, Appelwick, Basich, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Ferguson, Fisher, G., Fisher, R., Forner, Franklin, Fraser, Grant, Heavey, Hine, Holland, Horn, Inslee, Jacobsen, Johnson P., Johnson R., Jones, King, R., Kremen, Leonard, Locke, Ludwig, May, Meyers, R., Mielke, Miller, Mitchell, Morris, Moyer, Myers, H., Neher, Nelson, O'Brien, Ogden, Orr, Paris, Peery, Phillips, Prentice, Pruitt, Rasmussen, Rayburn, Riley, Roland, Rust, Schmidt, Scott, Sheldon, Silver, Sommers, D., Sommers, H., Spanel, Tate, Valle, Vance, Wang, Wilson, Wineberry, Winsley, Wood, Wynne, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Ballard, Beck, Chandler, Edmondson, Fuhrman, Hochstatter, Lisk, McLean, Morton, Nealey, Padden, Prince, Van Luven - 13.

Excused: Representatives Hargrove, Haugen, Sprengle - 03.

Engrossed Substitute House Bill No. 1330 as recommended by Conference Committee, having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED HOUSE BILL NO. 1376,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,
ENGROSSED HOUSE BILL NO. 1890,
HOUSE BILL NO. 1891,
HOUSE BILL NO. 2237,
HOUSE CONCURRENT RESOLUTION NO. 4412,
SENATE BILL NO. 5560.

MESSAGES FROM THE SENATE

June 30, 1991

Mr. Speaker:

The Senate has passed:

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1430,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 30, 1991

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5959,

and the same is herewith transmitted.

Gordon A. Golob, Secretary.

There being no objection, the House advanced to the eighth order of business.

RESOLUTION

HOUSE RESOLUTION NO. 91-4719, by Schmidt, Zellinsky, P. Johnson, Sheldon, R. Meyers, Pruitt, Anderson, Appelwick, Ballard, Basich, Beck, Belcher, Betrozoff, Bowman, Braddock, Bray, Brekke, Broback, Brough, Brumsickle, Cantwell, Casada, Chandler, Cole, Cooper, Day, Dellwo, Dorn, Ebersole, Edmondson, Ferguson, G. Fisher, R. Fisher, Former, Franklin, Fraser, Fuhrman, Grant, Hargrove, Haugen, Heavey, Hine, Hochstatter, Holland, Horn, Inslee, Jacobsen, R. Johnson, Jones, J. King, R. King, Kremen, Leonard, Lisk, Locke, Ludwig, May, McLean, Mielke, Miller, Mitchell, Morris, Morton, Moyer, H. Myers, Nealey, Neher, Nelson, O'Brien, Ogden, Orr, Padden, Paris, Peery, Phillips, Prentice, Prince, Rasmussen, Rayburn, Riley, Roland, Rust, Scott, Silver, D. Sommers, H. Sommers, Spanel, Sprenkle, Tate, Valle, Vance, Van Luven, Wang, Wilson, Wineberry, Winsley, Wood and Wynne

WHEREAS, Adele Ferguson, the political correspondent for the Bremerton Sun, is celebrating her thirtieth year of skewering the high and mighty and deflating oversized egos in Olympia; and

WHEREAS, Adele Ferguson has been a free spirit and trailblazer all of her life: She was the first woman to become a regular political correspondent in Olympia; faced down the wrath of the male press corps; and even survived being forcibly ejected by the sergeant-at-arms for violating unwritten protocol by sitting in a Seattle Post-Intelligencer reporter's seat; and

WHEREAS, One of Adele Ferguson's most distinguishing trademarks is her brash, straightforward questioning style at news conferences. She quickly cuts to the heart of an issue, and never minces words. She believes in translating bureaucratese and political gobbledegook into plain English; and

WHEREAS, Ferguson's influence is felt around the state by way of her syndicated column that appears in daily newspapers in Aberdeen, Bremerton, Centralia, Ellensburg, Vancouver, and Yakima, and weeklies around the state; and

WHEREAS, She has covered the last five governors of this state, and is equally revered and feared by politicians of all political persuasions; and

WHEREAS, "A'dell," as she is known to everyone from the governor to the janitor, is a formidable figure in Olympia. A tall, handsome woman of

uncertain age, it is alleged that she can cuss like a logger, drink like a sailor, and tell a good joke or two, but Ferguson still firmly maintains that "A woman's weight, age, and salary are her own business";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Adele Ferguson, the Dean of the legislative press corps, for her thirty years of outstanding journalism in Olympia; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Adele Ferguson.

Ms. Schmidt moved adoption of the resolution. Representatives Schmidt, Zellinsky, Heavey, R. Fisher, Edmondson, Ballard and O'Brien spoke in favor of the resolution.

On motion of Ms. Schmidt, the rules were suspended and the names of all members of the House of Representatives were added as sponsors of the resolution.

House Resolution No. 91-4719 was adopted.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SENATE BILL NO. 5959.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 1430.

MESSAGES FROM THE SENATE

June 30, 1991

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8418,

and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 30, 1991

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL NO. 1376,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1427,
ENGROSSED HOUSE BILL NO. 1890,

HOUSE BILL NO. 1891,
HOUSE BILL NO. 2237,
HOUSE CONCURRENT RESOLUTION NO. 4412,

and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

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

INTRODUCTIONS AND FIRST READING

HB 2236 by Representatives Appelwick and Paris

AN ACT Relating to child support; amending RCW 26.09.010, 26.09.100, 26.09.170, 26.09.225, and 26.19.090; adding new sections to chapter 26.19 RCW; creating a new section; repealing RCW 26.19.010, 26.19.040, 26.19.060, 26.19.070, and 26.19.110; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2243 by Representative Appelwick

AN ACT Relating to the repeal of RCW 11.92.095; repealing RCW 11.92.095; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2244 by Representatives Prentice, Rust, Anderson, Leonard, Cole, Scott, Belcher, R. Fisher, Jacobsen, Brekke, Nelson, Valle, Fraser, R. King, Jones, Pruitt, Appelwick and Phillips

AN ACT Relating to pesticide application notification; amending RCW 15.58.040; and adding new sections to chapter 17.21 RCW.

Referred to Committee on Agriculture & Rural Development.

HJM 4024 by Representatives O'Brien, Locke, Anderson, Belcher, Sheldon, Brekke, Spanel, Rasmussen, Prentice, Franklin, Leonard, Paris and Dellwo

Requesting Congress recognize small tribes.

Referred to Committee on State Government.

HJM 4026 by Representatives Heavey, Fuhrman, Sheldon and Paris

Requesting that Congress pass the alcoholic beverage advertising act of 1991.

Referred to Committee on Commerce & Labor.

HCR 4423 by Representatives Ebersole and Ballard

Adjourning Sine Die.

ESSB 5072 by Senate Committee on Ways & Means (originally sponsored by Senators Nelson, Rasmussen and Talmadge)

Reinstating the indigent defense task force.

Held on First Reading from 6/28/91.

ESSB 5458 by Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Jesernig, Bauer and Newhouse)

Establishing regional service centers for the deaf.

Held on First Reading from 6/28/91.

ESSB 5580 by Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Bailey, L. Smith, McCaslin, Wojahn and A. Smith)

Establishing community-based child care resource and referral agencies.

Held on First Reading from 6/28/91.

SSB 5581 by Senate Committee on Ways & Means (originally sponsored by Senators Anderson, Murray, Pelz, McCaslin, McMullen, Moore, Craswell, Bailey, L. Smith and A. Smith)

Creating the community partnership program.

Held on First Reading from 6/28/91.

SSB 5653 by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Bailey, Stratton, Murray, Talmadge, Vognild, McMullen, Gaspard, Snyder, Wojahn, Johnson, Jesernig, Thorsness and Pelz)

Authorizing specialized child care and respite care for children of homeless parents.

Held on First Reading from 6/28/91.

E2SSB 5780 by Senate Committee on Ways & Means (originally sponsored by Senators L. Smith, Wojahn, Niemi, Johnson, West, Thorsness, von Reichbauer, L. Kreidler and Craswell)

Enhancing employment transition programs for developmentally disabled high school students.

Held on First Reading from 6/28/91.

ESB 6004 by Senator Hayner

Reviewing Indian gaming compacts.

Held on First Reading from 6/28/91.

SB 6008 by Senator Roach

Repealing RCW 11.92.095.

Held on First Reading from 6/28/91.

SJM 8022 by Senators Anderson, McDonald, Snyder, Amondson, Owen, Metcalf, L. Smith, Craswell, Conner, Sutherland, Barr, Thorsness, Cantu, Oke, Bluechel, Johnson, Sellar, McCaslin, West and Matson

Petitioning Congress to enact legislation to remedy the chaos in state forest resulting from the designation of the spotted owl as a threatened species.

Held on First Reading from 6/28/91.

ESCR 8417 by Senators Barr, Hansen and Anderson

Creating the joint select committee on Lake Roosevelt.

Held on First Reading from 6/28/91.

SCR 8418 by Senators Hayner, Sellar, Gaspard and Snyder

Returning measures to their house of origin.

MOTIONS

On motion of Mr. Ebersole, the House Bills listed on today's introduction sheet under the fourth order of business were referred to the committees so designated.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and House Concurrent Resolution No. 4423 was advanced to second reading and read the second time in full.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

House Concurrent Resolution No. 4423 was adopted.

MOTIONS

On motion of Mr. Ebersole, the rules were suspended and Senate Concurrent Resolution No. 8418 was advanced to second reading and read the second time in full.

On motion of Mr. Ebersole, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

Senate Concurrent Resolution No. 8418 was adopted.

MOTION

On motion of Mr. Ebersole, House Bill No. 2224, House Bill No. 2241, Engrossed House Bill No. 1868 and House Joint Memorial No. 4025 were referred to Committee on Rules.

MESSAGES FROM THE SENATE

June 30, 1991

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4423,
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 30, 1991

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1330,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1430,
and the same are herewith transmitted.

W. D. Naismith, Deputy Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4423,
SENATE CONCURRENT RESOLUTION NO. 8418.

MESSAGES FROM THE SENATE

June 30, 1991

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4423,
and the same is herewith transmitted.

W. D. Naismith, Deputy Secretary.

June 30, 1991

Mr. Speaker:

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8418, the Senate returns herewith the following House Bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1023,
ENGROSSED HOUSE BILL NO. 1331,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1434,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1535,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1932,
HOUSE BILL NO. 2206,
HOUSE BILL NO. 2220,
HOUSE BILL NO. 2221,
ENGROSSED HOUSE BILL NO. 2240,
HOUSE CONCURRENT RESOLUTION NO. 4416.

W. D. Naismith, Deputy Secretary.

RETURN OF BILLS TO SENATE

Under provisions of Senate Concurrent Resolution No. 8418, the House returned the following Senate Bills to the Senate:

SUBSTITUTE SENATE BILL NO. 5072,
SENATE BILL NO. 5150,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5318,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5458,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5580,
SUBSTITUTE SENATE BILL NO. 5581,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5644,
SUBSTITUTE SENATE BILL NO. 5653,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5780,
ENGROSSED SENATE BILL NO. 5940,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5986,
ENGROSSED SENATE BILL NO. 6004,

SENATE BILL NO. 6008,
SENATE JOINT MEMORIAL NO. 8022,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8409,
ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8417.

MOTION

On motion of Mr. Ebersole, reading of the Journal of the Twenty-First Day of the 1991 First Special Session of the Fifty-Second Legislature was dispensed with and it was ordered to stand approved.

MOTION

On motion of Mr. Ebersole, the 1991 First Special Session of the Fifty-Second Legislature was adjourned Sine Die.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

HOUSE LEGISLATIVE LEADERS

Fifty-Second Legislature
 1991 Regular Session
 1991 First Special Session

DEMOCRATIC LEADERSHIP

Joseph E. King	Speaker
John L. O'Brien	Speaker Pro Tempore
Brian Ebersole	Majority Leader
Lorraine A. Hine	Democratic Caucus Chair
Randy Dorn	Assistant Majority Leader
Jesse Wineberry	Majority Whip
Grace Cole	Assistant Majority Whip
Judi Roland	Assistant Majority Whip
George Orr	Assistant Majority Whip
Lane Bray	Assistant Majority Whip
Marilyn Rasmussen	Democratic Caucus Vice Chair/Secretary

REPUBLICAN LEADERSHIP

Clyde Ballard	Minority Leader
Eugene A. Prince	Republican Caucus Chair
Louise Miller	Minority Floor Leader
Rose Bowman	Minority Whip
Duane Sommers	Assistant Minority Floor Leader
Randy Tate	Assistant Minority Floor Leader
Bill Brumsickle	Republican Caucus Vice Chair
Christopher Vance	Assistant Minority Whip
Todd Mielke	Assistant Minority Whip
Sarah Casada	Assistant Minority Whip

1991 HOUSE ROSTER

4692

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Anderson, Cal	43	D	King, part	John L. O'Brien Building 402 Olympia 98504	1948	Washington	Legislator	Appt. 11/9/87- 1990
				825 15th Ave. Seattle 98122				
Appelwick, Marlin J.	46	D	King, part	2611 NE 125th Suite 122 Seattle 98125	1953	Minnesota	Attorney	1983- 1990
Ballard, Clyde	12	R	Chelan, Douglas, Grant, part, Kittitas, part, Okanogan, part	1790 N. Baker Street East Wenatchee 98802	1936	Arkansas	Property Management	1983- 1990
Basich, Bob	19B	D	Pacific, Grays Harbor, part, Wahkiakum, part	510 Sumner Aberdeen 98520	1927	Washington	Retired Teacher	1985- 1990
Beck, John Byron	21	R	Snohomish, part	P. O. Box 1043 Edmonds 98020	1944	Washington	Owner/ President Funeral Home Corporation	1987- 1990
Belcher, Jennifer	22	D	Thurston, part	323 Maple Park Olympia 98501	1944	West Virginia	Management Consultant	1983- 1990

1991 HOUSE ROSTER

4693

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Betrozoff, John	45	R	King, part	11818 156th Avenue NE Redmond 98052	1935	Washington	Property Manager	1983- 1990
Bowman, Rose	20	R	Lewis, Thurston, part	416 West Cherry Centralia 98531	1945	Oklahoma	Owner Kresky Auto Repair & Electric	1989- 1990
Braddock, Dennis	42	D	Whatcom, part	P. O. Box 5228 Bellingham 98227	1943	Washington	Planning Consultant	1983- 1990
Bray, Lane	8	D	Benton, part	1414 Westwood Ct. Richland 99352	1928	Illinois	Senior Research Scientist	
Brekke, Joanne	32	D	King, part	6525 Sycamore NW Seattle 98117	1935	Washington	Legislator	1979- 1990
Broback, Art	28	R	Pierce, part	3616 Soundview Dr. W Tacoma 98466	1931	Washington	Commercial Real Estate Broker	
Brough, Jean Marie	30	R	King, part, Pierce, part	1118 S. 287th Place Federal Way 98003	1942	Washington, D.C.	Legislator	1983- 1990
Brumsickle, Bill	20	R	Lewis, Thurston, part	1015 Spring Lane Centralia 98531	1935	Washington	Retired/ Education	1989- 1990

1991 HOUSE ROSTER

4694

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Cantwell, Maria	44	D	King, part, Snohomish, part	John L. O'Brien Building 401 Olympia 98504 23409 Lakeview Drive Mountlake Terrace 98043	1958	Indiana	Consultant/ Public Affairs	1987- 1990
Casada, Sarah	25	R	Pierce, part	11721 Meridian E. #333 Puyallup 98373	1936	Kentucky	Business, Teacher	
Chandler, Gary	13	R	Adams, part - Grant, part - Kittitas, part - Yakima	4464 Dunn St. Moses Lake 98837	1950	Washington	Farmer	
Cole, Grace	1	D	King, part, Snohomish, part	3026 NE 163rd Street Seattle 98155	1926	Idaho	Home Economist	Appt. 1/11/82, 1985- 1990
Cooper, David	18	D	Clark, part, Cowlitz, part	P. O. Box 568 Battle Ground 98604	1952	Oregon	Partner Retail Business	1987- 1990

1991 HOUSE ROSTER

4695

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Day, Bill	3	D	Spokane, part	P. O. Box 9161 Spokane 99209-9161	1955	Washington	Business	1985- 1990
Dellwo, Dennis	3	D	Spokane, part	SeaFirst Center #1900 Spokane 99201	1945	Washington, D.C.	Attorney	1983- 1990
Dorn, Randy	2	D	Pierce, part, Thurston, part	Legislative Bldg. 404 Olympia 98504 P.O. Box 262 Eatonville 98328	1953	Washington	Education Administrator	Appt. 12/18/87 - 1990
Ebersole, Brian	29	D	Pierce, part	Legislative Bldg. 3rd Floor Olympia 98504 5716 Pacific Tacoma 98408	1947	Maryland	College Administrator	1983- 1990
Edmondson, Betty L.	14	R	Yakima, part	1800 River Road #6 Yakima 98902	1924	California	Retired	
Ferguson, Roy	48	R	King, part	2955 - 162nd SE Bellevue 98008	1934	Michigan	Retired Exxon Oil Company	1987- 1990

1991 HOUSE ROSTER

4696

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Fisher, Greg	33	D	King, part	14630 46th Ave. So. Seattle 98168	1961	Washington	Public Relations Consultant	1989-1990
Fisher, Ruth	27	D	Pierce, part	1922 N. Prospect #9 Tacoma 98406	1925	Washington	Retired	1983-1990
Fornier, Elmira	47	R	King, part	14420 SE 288th Kent 98042	1941	Canada	Legislator	1990
Franklin, Rosa	29	D	Pierce, part	7827 S Asotin Tacoma 98408	1927	South Carolina	Registered Nurse	
Fraser, Karen	22	D	Thurston, part	6710 Sierra Drive SE Lacey 98503	1944	Washington	Legislator	1989-1990
Fuhrman, Steve	7	R	Ferry, Lincoln, Pend Oreille, Stevens, Okanogan, part, Spokane, part	710 Hwy 395 N Kettle Falls 99141	1946	Washington	Grain Elevator Farm Supply	1983-1990
Grant, William A.	16	D	Walla Walla, Benton, part, Franklin, part	111 Merriam Walla Walla 99362	1937	Washington	Wheat Farmer	1987-1990
Hargrove, James E.	24	D	Clallam, Jefferson, Grays Harbor, part	Route 3 Box 896 Hoquiam 98550	1953	Oregon	Forester	1985-1990

1991 HOUSE ROSTER

4697

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Haugen, Mary Margaret	10	D	Island, Skagit, part, Snohomish, part	1268 North Olsen Road Camano Island 98292	1941	Washington	Legislator	1983-1990
Heavey, Michael	34	D	King, part	9403 44th Ave SW Seattle 98136	1946	Washington	Attorney	1987-1990
Hine, Lorraine	33	D	King, part	1834 South 229th Des Moines 98198	1930	South Dakota	Legislator	1980-1990
Hochstatter, Harold	13	R	Adams, part; Grant, part; Kittitas, part; Yakima part	2104 W. Marina Dr. Moses Lake 98837	1937	Washington	Electrical Contractor	
Holland, J. Bruce	47	R	King, part	14204 SE 180th Place Renton 98058	1943	Washington	Internal Auditor Boeing	1983-1990
Horn, Jim	41	R	King, part	9507 SE 61st Place Mercer Island 98040	1930	Illinois	Aerospace Management/ Boeing	1989 - 1990
Inslee, Jay	14	D	Yakima, part	1226 Tibbling Rd Selah 98942	1951	Washington	Attorney	1989-1990

1991 HOUSE ROSTER

4698

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Jacobsen, Ken	46	D	King, part	2611 NE 125th Suite 122 Seattle 98125	1945	Nebraska	Self-employed	1983- 1990
Johnson, Peggy	35	R	Grays Harbor, part; Kitsap, part; Mason; Thurston, part	W. 3451 Skokomish Valley Rd. Shelton 98584	1930	Washington	Teacher - Consultant Gospel Light Publishing Co. - Co-Owner Farm	
Johnson, Rob	40	D	San Juan; Skagit, part; Whatcom, part	2014 Sandalwood Ct. Mount Vernon 98273	1952	Washington	Insurance Agent	
Jones, Evan	24	D	Clallam, Jefferson, Grays Harbor, part	101 Lochow Road Sequim 98382	1947	California	Laborer	Appt. 11/9/87 - 1990
King, Joseph E.	49	D	Clark, part	703 Broadway #700 Vancouver 98660	1945	Texas	Partner, Insurance Agency	1981- 1990
King, Richard A.	38	D	Snohomish, part	309 77th Place SW Everett 98203	1934	Washington	Legislator	1965- 1990

1991 HOUSE ROSTER

4699

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Kremen, Pete	42	D	Whatcom, part	3283 Northshore Road Bellingham 98226	1951	New York	Broadcast Video Production	1985- 1990
Leonard, June	11	D	King, part	12444 Beacon Ave. South Seattle 98178	1926	Washington	Legislator	1985- 1990
Lisk, Barbara	15	R	Benton, part; Yakima part	2303 Houghton Rd. Zillah 98953	1952	Washington	Apple Grower	
Locke, Gary F.	37	D	King, part	5150 S. Wildwood Lane Seattle 98118	1950	Washington	Attorney	1983- 1990
Ludwig, Curtis	8	D	Benton, part	425 Columbia Center Blvd. L101 Kennewick 99336	1929	Oregon	Attorney	
May, Fred O.	41	R	King, part	15 Brook Bay Lane Mercer Island 98040	1919	California	Retired	1985- 1990
McLean, Alex	12	R	Chelan, Douglas, Grant, part, Kittitas, part, Okanogan, part	P. O. Box 246 Mansfield 98830	1935	Washington	Farmer	Appt. 4/22/86 - 1990

1991 HOUSE ROSTER

4700

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Meyers, Ron	26	D	Kitsap, part, Pierce, part	P. O. Box 879 Port Orchard 98366	1950	Washington	Attorney	1987- 1990
Mielke, Todd	5	R	Spokane, part	P. O. Box 9993 Spokane 99209	1964	Washington	Equipment Leasing	
Miller, Louise	45	R	King, part	17005 - 191st Avenue NE Woodinville 98072	1936	California	Private Music Teacher	1983- 1990
Mitchell, Maryann	30	R	King, part; Pierce, part	33010 39th PL SW Federal Way 98023	1933	Washington	Advocacy for Disabled & Elderly	
Morris, Betty Sue	18	D	Clark, part, Cowlitz, part	12633 NW 19th Loop Vancouver 98685	1941	Kansas	Legislator	1989- 1990
Morton, Bob	7	R	Ferry; Lincoln; Pend Oreille; Stevens; Okanogan, part; Spokane, part	P. O. Box 1472 Orient 99160	1934	Upstate New York	Tree Farming, Cattle, Clergy	
Moyer, John A.	6	R	Spokane, part	P. O. Box 8436 Spokane 99203	1922	Montana	Obstetrician/ Gynecologist	1987- 1990

1991 HOUSE ROSTER

4701

Name of Member	Dr.	Poll-tics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Myers, Holly	17	D	Clark; part, Klickitat; Skamania	2219 SE 146th Avenue Vancouver 98684	1955	Oregon	Educator	1989- 1990
Nealey, Darwin R.	9	R	Asotin, Columbia, Garfield, Whitman, Adams, part, Franklin, part	Box 365 LaCrosse 99143	1919	Washington	Farmer	1983- 1990
Neher, Richard	16	R	Benton, part - Franklin, part - Walla Walla	Rt. 3, Reser Rd. Walla Walla 99362	1930	Washington	Retired Secondary School Administrator	
Nelson, Dick	32	D	King, part	2208 NW Market St #305 Seattle 98107	1936	Washington	Technical Consultant	1977- 1990
O'Brien, John L.	37	D	King, part	1305 Joseph Vance Bldg. Seattle 98101	1911	Washington	C.P.A.	Appt 10/39- 1946, 1949- 1990
Ogden, Val	49	D	Clark, part	3118 Royal Oak Dr. Vancouver 98662	1924	Washington	Adjunct Prof, Public Administra- tion	

1991 HOUSE ROSTER

4702

Name of Member	Dr.	Poll- tics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Orr, George	4	D	Spokane, part	13422 E. 6th Ave. Spokane 99216	1942	Idaho	Firefighter	
Padden, Mike	4	R	Spokane, part	East 13021 - 9th Avenue Spokane 99216	1946	Oregon	Attorney	1981- 1990
Paris, Sr., George Marshall	44	R	King, part; Snohomish, part	18041 Bothell Way NE Bothell 98011	1927	France	Owner/ President of Marshall Paris Insurance, INC.	
Peery, W. Kim	17	D	Klickitat, Skamania, Clark, Part	P. O. Box 1015 Camas 98607	1949	Washington	Insurance Agency Owner/Agent	Appt. 1/11/85 - 1990
Phillips, Larry	36	D	King, part	2624 - 34th West Seattle 98199	1951	Washington	Small Business Proprietor	1989- 1990
Prentice, Margarita	11	D	King, part	6225 S. Langston Road Seattle 98178	1931	California	Registered Nurse	Appt. 5/31/88 - 1990

1991 HOUSE ROSTER

4703

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Prince, Eugene A.	9	R	Asotin; Columbia; Garfield; Whitman; Adams part; Fanklin, part	P. O. Box 69 Thornton 99176	1930	Washington	Farmer	1981-1990
Pruitt, Wes	26	D	Kitsap, part, Pierce, part	6215 55th Avenue Court Gig Harbor 98335	1947	Vermont	School Policy Consultant	1987-1990
Rasmussen, Marilyn	2	D	Pierce, part, Thurston, part	33419 Mountain Hwy East Eatonville 98328	1939	Washington	Farmer/ Legislator	1987-1990
Rayburn, Margaret S.	15	D	Benton, part, Yakima, part	1610 South Euclid Road Grandview 98930	1927	Oregon	Retired Teacher	1985-1990
Riley, Mike	19A	D	Cowlitz, part - Wahkiakum, part	725 Lone Oak Rd. Longview 98632	1941	Washington	Deputy Sheriff/ Contractor	
Roland, Judi	31	D	King, part; Pierce, part	1015 Pike St. NE Auburn 98002	1943	Florida	Former Small Business Owner	

1991 HOUSE ROSTER

4704

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Rust, Nancy S.	1	D	King, part, Snohomish, part	18747 Ridgefield Road NW Seattle 98177	1928	Iowa	Legislator	1981- 1990
Schmidt, Karen	23	R	Kitsap, part	155 Madrone Lane North Bainbridge Island 98110 10805 Bill Point View Bainbridge Island 98110	1945	California	Travel Agency, Owner	1981- 1990
Scott, Pat	38	D	Snohomish, part	P. O. Box 3466 Everett 98203-8466	1938	Minnesota	Admin. Aide Everett Police Dept.	Appt. 1/4/84 - 1990
Sheldon, Timothy	35	D	Grays Harbor, part; Kitsap, part; Mason Thurston, part	P. O. Box 474 Hoodsport 98548	1947	Washington	Economic Development Specialist	
Silver, Jean	5	R	Spokane, part	N. 7102 Audubon Drive Spokane 99208	1926	Washington	C.P.A.	1983- 1990
Sommers, Duane	6	R	Spokane, part	South 2812 Wall Spokane 99203	1932	Washington	Health Care Consultant	1987- 1990

1991 HOUSE ROSTER

4705

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Sommers, Helen	36	D	King, part	2832 West Elmore Place Seattle 98199	1932	New Jersey	Economist	1973-1990
Spanel, Harriet A.	40	D	San Juan, Skagit, part	901 Liberty Street Bellingham 98225	1939	Iowa	Legislator	1987-1990
Sprenkle, Arthur	C39B	D	Snohomish, part	4004 Colby Ave. Everett 98201	1945	Pennsylvania	Physician	1987-1990
Tate, Randy	25	R	Pierce, part	13011 Meridian E. #C 301 Puyallup 98373	1965	Washington		1989-1990
Valle, Georgette	34	D	King, part	Legislative Building 401 Olympia 98504 1434 SW 137th St Seattle 98166	1924	Minnesota	Occupational Therapist	1965-1967, 1972-1982, 1985-1990
Vance, Christopher	31	R	King, part; Pierce, part	24827 112th SE #6 Kent 98031	1962	Washington	Public Affairs/ Administra- tion	

1991 HOUSE ROSTER

4706

Name of Member	Dr.	Politics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Van Luven, Steve	48	R	King, part	13620 NE. 20th Suite L Bellevue 98005	1947	Washington	President/ Owner Trade Brokerage	Appt. 11/9/83- 1986, 1989-90
Wang, Art	27	D	Pierce, part	3319 N. Union Tacoma 98407	1949	Massachusetts	Attorney	1981- 1990
Wilson, Simeon R. "Sim"	10	R	Island, Skagit, part, Snohomish, part	P. O. Box 145 Marysville 98270	1927	Oregon	Newspaper Publisher	1973- 1990
Wineberry, Jesse	43	D	King, part	340 15th Avenue East #300 Seattle 98112	1955	Washington		1985- 1990
Winsley, Shirley J.	28	R	Pierce, part	539 Buena Vista Avenue Fircrest 98466	1934	Minnesota	Legislator	Appt. 4/12/74, 1977- 1982, 1985- 1990
Wood, Jeannette	21	R	Snohomish, part	24223 Timberlane Woodway 98020	1932	New York	Teacher	Appt. 7/29/88 - 1990

1991 HOUSE ROSTER

4707

Name of Member	Dr.	Poll- tics	County	Mailing Address	Year of Birth	Birthplace	Occupation	Previous Years Served
Wynne, John C.	39A	R	Snohomish, part	John L. O'Brien Building 439 Olympia 98504	1947	Washington	Telephone Engineer	
				11409 17th Place N.E. Lake Stevens 98258				
Zellinsky, Sr., Paul	23	D	Kitsap, part	Sheridan Station Box 2107 Bremerton 98310	1933	Washington	Retired Owner/Car Dealership	1983- 1990

**HOUSE BILLS PASSED
BY BOTH HOUSE AND SENATE SHOWING THE
ACTION BY THE GOVERNOR THEREON**

Fifty-Second Legislature
1991 Regular Session
1991 First Special Session

House No.	Status Title	Chapter No.		Effective Date
SHB 1008	Over-the-counter meds labels	68		7/28/91
HB 1013	Newly incorporated cities	360	PV	5/21/91
SHB 1019	Aquifer depletion fees	151		7/28/91
HB 1024	LEOFF/drivng record abstract	243		7/28/91
2E SHB 1025	Growth management strategies	32	E1 PV	7/16/91
E SHB 1027	Hazardous substance spills	200	PV	7/28/91
	Sections 101-429, 501-706,			
	805-807, 810-817 and 901-1118			5/15/91
	Sections 801-804, 808 and 809			10/1/91
	Sections 430-436			7/1/97
E SHB 1028	Changes in air quality laws	199	PV	5/15/91
	Sections 210 and 505			1/1/92
	Sections 602 and 603			7/1/92
	Sections 202-209			1/1/93
E SHB 1031	Water/sewer districts	82		7/28/91
HB 1032	Human remains/county transpn	176		7/28/91
HB 1040	Municipl utilities/adm cost	152		7/28/91
SHB 1050	Emerg med serv dist excs lev	138		7/28/91
SHB 1051	Student exchange organizatns	128	PV	1/1/92
SHB 1052	Public assistance provisions	126	PV	7/28/91
SHB 1054	Abuse reporting provisions	111		7/28/91
HB 1057	Lieutenant governor security	63		7/28/91
2E SHB 1058	Treasurer managd funds/accts	13	E1 PV	9/29/91
	Except for subsection (1) of			
	Section 141, Sections 1-47,			
	49-64, 66-108, 110-122, but			
	not effective for earnings on			
	balances prior to 7/1/91			7/1/91
	Sections 48 and 109			9/1/91
	Section 65			1/1/92
	Sections 123-139, which shall			

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		be effective for earnings on balances beginning on 7/1/93			7/1/93
SHB	1059	Persnl prprty exmpt/judgmt	112		7/28/91
HB	1060	Creditor notice/deceasd prsn	5		4/8/91
SHB	1062	Fiduciary power/divide trusts	6		7/28/91
HB	1063	Interest disclaimed/dispostn	7		7/28/91
E HB	1071	Precinct election officers	106		7/28/91
HB	1072	Election provisions changes	81		7/1/92
E SHB	1081	Bicycle safety program	214		7/28/91
SHB	1082	Information disclosure	79		7/28/91
E SHB	1088	Uniform transfers to minors	193		7/1/91
HB	1091	Uniform foreign-money claims	153		1/1/92
HB	1095	Funds transfers to the UCC	21	E1	9/29/91
E HB	1096	Smoke detection devices	154		7/28/91
E SHB	1105	Exempt property/execution	123		7/28/91
SHB	1112	Environmental interpretation	107		7/28/91
HB	1115	Health dept referenc revisns	3		7/28/91
E HB	1118	Bus length restrictions	113		7/28/91
E SHB	1120	Horse racing receipts	270		5/20/91
HB	1125	Vendor billing period	103		7/28/91
E SHB	1127	Superior court judge positions	299		7/28/91
		Sections 1, 3 and 5			7/1/91
		Section 2			1/1/92
		Section 4			7/1/92
E SHB	1136	Cosmetology regulations	324	PV	7/28/91
SHB	1137	Criminal justice purposes	311	PV	5/20/91
E HB	1139	Continuing education credit	155		7/28/91
SHB	1142	Processor/preparer liens	174		7/28/91
HB	1143	Honorary degrees	58		7/28/91
E HB	1156	Pest control inspectors	264		7/28/91
E SHB	1172	Student pedestrian safety	230		7/28/91
HB	1176	School board vacancies	60		7/28/91
E HB	1177	School board responsibilities	61		7/28/91
E SHB	1181	Private detectives licensing	328		7/28/91
SHB	1189	Deferred prosecution/costs	247		7/28/91
SHB	1194	Special districts	349		7/28/91
HB	1195	Irrigation districts	8		7/28/91
SHB	1196	Center environ/molecular sci	156		7/28/91
SHB	1200	Physical therapists	12		7/28/91
		Sections 1, 2 and 6			6/30/91
		Section 3			1/1/92
SHB	1201	County class references	363	PV	7/28/91
		Sections 28, 29, 33 and 131			7/1/92
		Section 47			7/1/93

HB	1206	Industrial insurance paymnts	88		7/28/91
SHB	1208	Forest fire suppression cmptct	131		7/28/91
E SHB	1211	Retirement benefits revision	365		7/28/91
E SHB	1214	Sick leave cash out	249		7/28/91
SHB	1222	School dist directors' dists	288		7/28/91
HB	1224	School district indebttness	114		7/28/91
E HB	1228	State government receivables	85		7/28/91
E SHB	1231	1991-93 transportatn budget	15	E1 PV	6/30/91
SHB	1243	Teacher preparation programs	259	PV	7/28/91
E HB	1244	Industrl insurnce payments	34		7/28/91
HB	1262	Tow truck restrictions	276		7/28/91
HB	1263	Citizenshp requirmnt/teachers	115		5/9/91
HB	1264	Education code changes	116		7/28/91
SHB	1265	Dedications/subdivisions	132		7/28/91
HB	1267	Sanitary landfill reconyvence	10		7/28/91
SHB	1268	Retirement service credit	343		7/1/91
		Sections 3-11 and 14-18			9/1/91
SHB	1270	State retirement system	35		7/28/91
SHB	1274	Street utilities	141		5/10/91
E HB	1277	Geothermal account	76		7/28/91
E SHB	1287	Adoption provisions revisns	136		7/28/91
HB	1299	Senior citizens tax exemptns	213		5/16/91
SHB	1301	Prop tax administ practices	218		5/16/91
		Section 3			7/1/92
SHB	1304	Recycling in state parks	11		7/28/91
HB	1312	Campaign contribution rpts	157		7/28/91
SHB	1316	County treasurers	245		7/28/91
SHB	1317	Oxygen tax exemption	250		7/28/91
SHB	1326	Landlord drayage/storage fee	220		7/28/91
E SHB	1329	Special services demo projts	265		5/17/91
E SHB	1330	1991-93 biennium approprtns	16	E1 PV	7/1/91
		Section 916			6/30/91
SHB	1336	Prospective residntl tenants	194		7/28/91
HB	1339	Unemployment compensation	117		7/28/91
		Sections 1 and 4			7/1/91
		Section 3 for new claims			
		filed on or after 7/7/91			7/7/91
E SHB	1341	Timber-dependent communities	314		7/28/91
		Section 20			5/21/91
		Section 25			7/1/93
SHB	1342	Motor vehicle fuel/local tax	173		7/1/91
E HB	1352	L&I confidential information	89		7/28/91
HB	1355	Indust safety/health violtns	108		7/28/91
E SHB	1357	Public disclosure/tax info	330		7/28/91

SHB	1358	Unused sick leave/ed employes	92		7/28/91
HB	1364	Military leave/public employes	25		4/22/91
HB	1371	Probation assessment provns	104		7/28/91
HB	1372	Interstate parole & probatn	77		7/28/91
E HB	1376	Computer software taxation	29	E1	7/11/91
HB	1377	Scoliosis screening program	86		7/28/91
E SHB	1389	Aquatic plant regulation	302	PV	7/1/91
HB	1400	Rural health care projects	224		7/28/91
SHB	1401	Taxpayers' rights/responsblt Sections 9-11	142		7/28/91 1/1/92
SHB	1416	Game fish mitigation	253		7/28/91
E SHB	1426	WSU research/extension prgms	341		7/28/91
E SHB	1427	Capital budget	14	E1 PV	6/30/91
E HB	1428	Budget request requirements	284		7/28/91
2E SHB	1430	General obligatn/revenu bnds	31	E1	7/11/91
HB	1431	Model Traffic Ordinance Section 2	118		5/9/91 4/1/92
E SHB	1440	Mobile home regulations	327		7/1/91
E HB	1450	Safety testing lab tax credit	13		7/1/91
SHB	1452	High-speed ground trans cmte	231		5/16/91
SHB	1454	Underground storage tank law	83		7/28/91
HB	1458	Limosine charter carriers	99		7/28/91
SHB	1460	Drainage district alternatvs	28		7/28/91
HB	1467	District court judges	354		7/28/91
HB	1470	Public works projects approps	97		5/9/91
HB	1480	Reciprocal insurers	266		7/28/91
HB	1487	Check cashers and sellers	355		1/1/92
HB	1489	Common carrier privacy	312		7/28/91
SHB	1496	Real estate broker licenses	277		7/1/93
E HB	1500	Jail labor pay increase	183		7/28/91
E SHB	1510	Guardianship provisions	289		7/28/91
SHB	1511	Domestic violence victims	1		3/1/91
SHB	1525	Educ employees travel expens		Vetoed	
HB	1527	Medical continuing education	195		7/28/91
E SHB	1534	Sexual assault investigation	267		7/1/91
HB	1536	Hospice services extension	119		5/9/91
HB	1558	State patrol compens survey	196		7/28/91
E SHB	1571	Election returns recount	90		7/28/91
E HB	1572	Salmon for consumption label	232		7/28/91
HB	1581	Utilities operation regulatn	101		7/28/91
SHB	1586	Continuing care retirmtnt com	158		7/28/91
HB	1607	Delinquent service charges	36		7/28/91
E SHB	1608	Children's services Sections 11-14	326	PV	7/28/91 5/21/91

E SHB	1624	Housing trust fund provins	356		7/28/91
HB	1625	Agricultural employer report	31		7/28/91
SHB	1629	Chiropractic practice	320		7/28/91
SHB	1635	Emergency medical services	175		7/28/91
HB	1642	Senior citizen tax relief	219		7/28/91
SHB	1649	Water discharge fees	307		7/28/91
2SHB	1671	Promoting growth strategies	202	PV	7/1/91
HB	1675	Civil docket prioritization	197		7/28/91
E SHB	1677	High capacity transportation	309		7/28/91
E SHB	1686	Inmate incentive program	256		5/17/91
SHB	1702	Beef commission composition	9		7/28/91
SHB	1704	Motor vehicle fuel tax	339	PV	7/28/91
		Sections 16 and 17			7/1/91
SHB	1709	Water system operating permt	304		7/28/91
SHB	1710	Water system operator licens	305		7/28/91
SHB	1712	Athlete agent registration	236		7/28/91
HB	1716	County recording procedures	26		7/28/91
SHB	1721	Judicial retirement system	159		7/28/91
E HB	1723	Excellence in higher ed fund	98		7/28/91
E SHB	1727	Interpreters/legal procdings	171		7/28/91
E SHB	1729	Juror list expansion	242		7/28/91
SHB	1739	Prop tax exemp/homeless hous	198		7/28/91
E HB	1740	Public housing authorities	167		7/28/91
SHB	1743	High-interest consumer loans	208		1/1/92
		Section 24			1/1/93
HB	1748	Small business export asstnc	177		7/28/91
HB	1757	Driving under influence/drug	290		7/28/91
SHB	1771	Transportation facilities	124		7/28/91
E SHB	1777	New prison construction	130		5/10/91
E SHB	1780	Criminal offender work crews	181		7/28/91
SHB	1782	County court commissioners	300		12/5/91
SHB	1789	Prescriptions/out-of-state	30		7/28/91
SHB	1800	International relations offc	24	PV	7/1/91
HB	1812	Woodland stewardship assistn	27		7/28/91
E SHB	1813	Teacher training/recruitment	285		7/28/91
HB	1818	Convention and trade center	2		3/13/91
SHB	1821	Fire protection sprinklr sys		Vetoed	
E SHB	1824	District court jurisdiction	33		7/28/91
SHB	1828	Health care records disclosr	335		7/28/91
SHB	1830	Child's statement admissblty	169		5/15/91
E SHB	1831	Ownership interest transfer	22	E1	7/2/91
SHB	1852	Fire services fund/fireworks	135		7/1/91
HB	1853	Nonprofit corp filing fees	223		7/1/91
E SHB	1856	Weights & measures statutes	23	E1	9/29/91

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SHB	1858	Employee check cashing/city	185		7/28/91
SHB	1861	Osteopathic medicine/surgery	160		7/28/91
E SHB	1864	Sand and gravel removal	337		7/28/91
E SHB	1877	Olympic naturl resources ctr	316		7/28/91
HB	1878	Dealers' plates requirements	140		7/28/91
E SHB	1881	District court judges	313	PV	7/28/91
E HB	1883	Gasohol	145	PV	7/28/91
E SHB	1884	Domestic violence programs	301		7/28/91
		Section 14			5/20/91
SHB	1885	Teachers recruiting teachers	252		7/28/91
SHB	1886	Vehicle crimes/drug evaltn	348	PV	7/1/91
E HB	1890	Nursing home regulation	8	E1	7/1/91
HB	1891	Basic health plan/med asstnc	4	E1	7/1/91
E SHB	1907	Local gov self-insurance	30	E1	1/1/92
SHB	1909	Insurance company captial	5	E1	7/1/91
HB	1910	Medicare supplemental insur	120		7/28/91
SHB	1911	Massage practitioners licens	182		7/28/91
SHB	1915	Mental health programs/employ	29		7/28/91
SHB	1919	Vehicle insur/safety course	217		7/28/91
SHB	1931	Nonprofit raffle limits	161		7/28/91
SHB	1936	Undergraduate admissions	209		5/16/91
E SHB	1938	State-wide 911 network	329		7/28/91
		Sections 1-6 and 9-17 included in the referendum which is chapter 54, Laws of 1991			
HB	1946	Erwin O. Rieger Memorial Hwy	78		7/28/91
SHB	1954	Agricultural nuisances	317	PV	7/28/91
HB	1955	Misbranded/adulterated food	162		7/28/91
SHB	1956	Plant protection	257		5/17/91
SHB	1957	Food processing plant liscng	137		7/28/91
SHB	1958	Livestock brands requiremnts	110		7/28/91
E SHB	1960	Health professions practice	332	PV	5/21/91
SHB	1971	Alien insurers regulation	268		5/17/91
HB	1986	Dev disabled rights protectn	333		7/28/91
HB	1991	Vehicle size/weight rstrctns	143		7/28/91
HB	1992	Right of way acquisitions	291		7/28/91
SHB	1993	Stadiums/convention centers	357		5/21/91
HB	1995	Nonpowered vehicle equipment	163		7/28/91
SHB	1997	Sex offender registration	274		7/28/91
SHB	2005	Freight brokers/forwarders	146		7/28/91
HB	2021	Water resource policy commtt	273		7/28/91
E SHB	2026	Water resources manangement	347	PV	7/28/91
		Section 4			7/1/91
E SHB	2027	Student tuition refund	164		5/10/91

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	HB	2037	Radiologic technologists	222		7/1/91
	SHB	2042	Earnest money forfeiture	210		7/28/91
	SHB	2044	Transportation imprvmnt brd	308		7/1/91
	SHB	2048	Older physicians license fee	229		7/28/91
	SHB	2050	County ferries subsidy	310		7/28/91
	SHB	2056	Vital statistics regulation	96		7/28/91
	HB	2057	Public facilities districts	207		7/28/91
E	SHB	2058	Stat of limtatns/sex abuse	212		7/28/91
	HB	2059	Low-income energy assistance	165		7/28/91
	SHB	2069	Unemployment insur charges	129		7/28/91
E	SHB	2071	Medical disciplinary board	215		7/28/91
	HB	2073	Controlled substance sale	32		7/28/91
	HB	2082	District court judges	361	PV	7/28/91
E	HB	2093	Lodging excise tax uses	336		1/1/92
E	SHB	2095	Veteran and family counseling	55		5/3/91
E	SHB	2100	Nursing homes/ethnic minority	271		5/20/91
	HB	2106	Shelters/state surplus propr	216		7/28/91
	SHB	2132	Insurance salesperson/B&O tax	275		7/1/91
E	SHB	2137	Carbonated beverage tax	80		6/1/91
	SHB	2140	Transportation agencies plan	358		4/1/92
E	HB	2141	State oral history program	237		7/1/91
	HB	2142	Accumulated service credit	282		7/28/91
	HB	2147	Lottery activity restrictns	359		5/21/91
E	SHB	2151	High capacity transportation	318		7/28/91
	HB	2163	Assault on law officer/agent	211		7/28/91
	SHB	2187	Nonprofit orgs tax exemptns	51		4/26/91
	HB	2198	Joint center/higher educatn	205		7/1/91
	HB	2214	Muni criminal justice acct	26	E1 PV	7/2/91
E	HB	2231	Fire sprinkler contractors	6	E1	6/30/91
E	HB	2235	Hunting and fishing fees	7	E1	7/1/91
	HB	2237	Medicaid financing	9	E1	7/1/91
			Sections 1-6 and 9			9/1/91
	HB	2242	Property tax/homes for aging	24	E1	7/2/91

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Fifty-Second Legislature
1991 Regular Session
1991 First Special Session

House No. Status Title

HOUSE JOINT MEMORIALS

HJM 4004 Ethanol content/motor fuel
E HJM 4008 Driftnet ban
E HJM 4011 Surface transport assist act
E HJM 4012 Motor fuel tax moneys
HJM 4015 Employer-provided transportn
HJM 4016 Hanford rsrch/dvlpmnt center
HJM 4020 Timber worker retraining

HOUSE JOINT RESOLUTIONS

HJR 4218 County court commissioners
SHJR 4221 Superior court jurisdiction

HOUSE CONCURRENT RESOLUTIONS

HCR 4400 Joint legislative session
HCR 4401 Leg ready conduct business
HCR 4402 Estab legisltv cutoff dates
HCR 4403 Memorial service
HCR 4406 Joint rules amendment
HCR 4408 Legislat Old Timers Reunion
HCR 4409 Senator George Fleming
HCR 4412 Washington 2000 committee
HCR 4418 Open government committee
HCR 4419 Transmittal of bills
HCR 4420 Adjourn Sine Die
HCR 4421 Leg ready conduct business
HCR 4422 Pension options review
HCR 4423 Adjourning Sine Die

**SENATE BILLS PASSED
BY BOTH HOUSE AND SENATE SHOWING THE
ACTION BY THE GOVERNOR THEREON**

Fifty-Second Legislature
1991 Regular Session
1991 First Special Session

Senate No.	Status Title	Chapter No.	Effective Date
SSB 5003	Adult family homes/license	40	7/28/91
SB 5004	Public records as evidence	59	7/28/91
SSB 5008	Pac NW economic region	251	7/28/91
SSB 5010	Occptl thrpy/lmtd csly prgm	233	7/28/91
SB 5015	Landowner liability/vlnteers	69	7/28/91
2SSB 5022	Excellence in education prgm	255	5/17/91
SB 5023	Frivolous actions/expenses	70	7/28/91
E2SSB 5025	Youth and family services	364	PV 7/28/91
SSB 5027	Small claims limit raised	71	7/28/91
SSB 5030	Unauthrzd reprdctn/recording	38	7/28/91
SB 5036	Livestock market net worth	17	7/28/91
SB 5041	Motorcycle audio headset use	95	7/28/91
SB 5042	Efficiency/accountabty comm	53	7/28/91
SB 5043	Fax filing of election docs	186	7/28/91
SSB 5045	Drinking water quality	134	7/28/91
SB 5047	Designating a state tartan	62	7/28/91
SB 5049	Abandoned junk vehicles	292	7/28/91
SSB 5052	Collection of public debts		Vetoed
SB 5053	Juvenile driving privileges	260	7/28/91
SB 5075	Washington condominium act		Vetoed
SB 5077	Security interests recording	188	7/28/91
SSB 5082	Salmon fishing guides	362	PV 7/28/91
2SSB 5083	Salmon hatcheries		Vetoed
SSB 5090	Foster family home licenses	14	7/28/91
E2SSB 5096	Agriculture/adverse impacts	280	7/28/91
SB 5103	Engineer registration	19	7/28/91
SB 5104	Pilot examinations revisions		Vetoed
SSB 5106	Transportation budget	22	4/17/91
SB 5107	Corporations	72	7/28/91
SSB 5108	Prizes/promotional advertsg	227	7/28/91
SSB 5110	Senior citizen/tax exemptns	203	5/16/91
SB 5111	Victims compensation account	133	7/28/91

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E SSB	5114	Student transportation safety	166		7/28/91
E2SSB	5120	Child support guidelines	367	PV	9/1/91
2SSB	5124	Private security guards	334		7/28/91
2SSB	5127	Foster care citizen review boards	127		5/10/91
SSB	5128	Witness notification/drug offenders	147		7/28/91
SB	5141	County commissioner boards	344		5/21/91
2SSB	5143	Recycled products procurement	297		7/28/91
SB	5147	Dispute resolution protection	321		5/21/91
SB	5148	Limited partnerships	269	PV	7/28/91
E SSB	5149	Gifts/public office funds	18	E1 PV	9/29/91
E SSB	5156	Candidate residency requirements	178		7/28/91
2SSB	5167	Juvenile justice act	234		5/16/91
SB	5170	District judge numbers	338	PV	7/28/91
E SSB	5184	Work force training/education	238		7/28/91
		Sections 33, 114 and 142-144			5/17/91
		Sections 1-8, 14-19, 24-28			
		76-81, 85-111, 140, 141 and 164			7/1/91
		Sections 20-23, 29-32, 34-75,			
		82-84, 112, 113, 115-139 and			
		145-158			9/1/91
		Sections 8-13			10/1/91
SB	5190	School directors' association	66		7/28/91
SSB	5204	Practical nurse licensure	84		7/28/91
SB	5219	Baggage loss/damage liability	21		7/28/91
SB	5220	Railroad crossing inspection	46		7/28/91
SB	5221	Motor carriers contracts	41		7/28/91
SB	5231	Real estate continuing education	225		7/28/91
E SSB	5245	State energy policy development	201		7/28/91
E SSB	5256	Franchise investment protection	226	PV	7/28/91
SSB	5260	Nonmunicipal water systems	100		7/28/91
SSB	5261	Fire equipment in schools	170		7/28/91
SB	5264	Community/urban forestry program	179		7/28/91
SSB	5266	Suspended driver penalties	293		7/28/91
		Section 9			4/1/92
SSB	5276	Impounded vehicle disposition	20		7/28/91
SSB	5288	American Vets Memorial Highway	56		7/28/91
SB	5290	Valid driver's license	73		7/28/91
SSB	5295	Truck identification	241		7/28/91
SSB	5301	Pacific ocean community public facility	331		7/28/91
E SB	5311	Bare-boat charter boats	45		7/28/91
SSB	5322	Building codes emergency exemptions	139		7/28/91
SSB	5332	Residential care/disabled	204		5/16/91
2SSB	5341	Foster parent liability insurance	283		7/1/91
SSB	5357	Individuals or water purveyors	18		7/28/91
2SSB	5358	Water system interties	350		7/28/91
SSB	5359	Out-of-state teacher retirement	278		5/20/91

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E SSB	5363	Legal financial obligations	93		5/9/91
SB	5367	Recovered materials transprt	148		7/28/91
SSB	5374	Labor-managmnt cooperation	172		7/28/91
SSB	5381	Veterinarians/legend drugs	47		7/28/91
SSB	5383	Prevailing wage administratn	15		7/28/91
SB	5391	Emergency adjudications/UTC	48		7/28/91
2E SSB	5395	Biennial budget 1989-91	2	E1	6/14/91
E SSB	5411	Flood damage alleviation Section 22	322	PV	7/28/91 5/21/91
SSB	5418	Criminal justice work group	351		5/21/91
SB	5434	Railroad regulatory authrty	49		7/28/91
SB	5441	Bookmaking	261		7/28/91
SB	5442	Motorcycle instruc permits		Vetoed	
SB	5444	Check signature alterations	19	E1	9/29/91
SB	5449	Discharged eductnl employees	102		7/28/91
SSB	5450	Beer pasteurization	42		7/28/91
SSB	5456	Community college tenure	294		7/1/91
SSB	5466	Pharmacists liability limit	189		7/28/91
SB	5473	Tort claims revolving fund	187		7/28/91
SB	5474	Children data collection sys Sections 1-3	235	PV	7/28/91 5/16/91
SB	5475	Honorary degrees	228	PV	7/28/91
E SB	5476	Milk marketing	239		5/17/91
SB	5477	Women's Air Forc/merch marin	240		7/28/91
SSB	5478	Curbside recycling	298		7/28/91
E SSB	5494	Collection of debts	168		7/28/91
SSB	5497	Construction lien right	281		4/1/92
SSB	5501	Commercial salmon lic trnsfr	144		7/28/91
SSB	5504	Student teaching centers	258		7/28/91
SB	5512	Sewer connection approval	190		7/28/91
SSB	5518	Pay-per-call services regula	191		7/28/91
SSB	5520	Wine shipment permits	149		7/28/91
SB	5528	Local literacy programs	91		7/28/91
SSB	5536	Hearing impaired telecom ser	121		7/28/91
E SSB	5555	Timber areas assistance Section 4	315		5/21/91 7/1/91
SB	5558	Child labor regulations Sections 2 and 8 Sections 3-7	303	PV	7/28/91 5/20/91 4/1/92
SB	5560	Liquor control board duties		Vetoed	
2SSB	5568	Hunger/nutritional problems	366	PV	7/1/91
SSB	5577	Board of medical examiners	44		7/28/91
SSB	5583	Child care facility fund	248		7/28/91
SB	5585	Liquor sales in motels		Vetoed	
SB	5586	State militia provisions	43		7/28/91
2SSB	5591	Comprehensive recycling prog	319	PV	5/21/91

PV - Partial Veto; E1 - 1st Special Session

SSB	5611	Rental vehicles sales tax	244		7/28/91
SSB	5612	Natural resources cons areas	352		7/28/91
SSB	5613	Pawnbrokers/second-hand dirs	323		7/28/91
E SSB	5624	Food fish resource protectn	279		7/28/91
SSB	5626	Hardwood commission	67		5/3/91
SSB	5628	Handlers crop liens	286		7/28/91
E SSB	5629	Animal facilities/illegl acts	325		5/21/91
SB	5630	Permits and licenses	50		7/28/91
SSB	5632	Ocularist apprenticeship	180	PV	7/28/91
SSB	5645	Low-level waste handlers	39		7/28/91
SB	5651	Little Spokane river	206		7/28/91
2SSB	5667	Evaluation/treatment access	262		5/17/91
SSB	5669	Housing trust fund priorities	295		7/28/91
SSB	5670	Children's mental health	306	PV	7/28/91
E SSB	5672	Antipsychotic medications	105		7/28/91
SB	5678	Wash national guard day	57		7/28/91
SB	5684	Nonresident pharmacy lcsnsg	87		10/1/91
SSB	5713	Agriculture dept licenses	109		7/28/91
SB	5718	Purple heart recipient day	20	E1	9/29/91
SSB	5720	Motorist information signs	94		7/28/91
SB	5722	Nat resources interest rates	64	PV	7/28/91
E SB	5745	Special amusement games lict	287		7/28/91
E SSB	5756	Low-level waste site rates	272		
		Sections 1-14 and 22			7/1/91
		Section 15			5/20/91
		Sections 16-21 and 23			1/1/93
SSB	5762	Water company safety imprvmt	150		7/28/91
SB	5766	At-risk youth academic excel	346		
		This act will become effective			
		when funds are made available			
		and only if funds are received			
		by 6/30/93.			
SB	5767	PUD borrowing and credit	74		7/28/91
E SSB	5770	Elec conservation/generation	122		7/28/91
SSB	5776	Alcoholic beverage control	192		7/28/91
SB	5778	Pesticide damage reports	263		5/17/91
SB	5779	Deaf/blind schools approptrtn	65		7/1/91
E SSB	5790	Auto liability insurance	25	E1	9/29/91
SSB	5796	Nursing assistant licensure	16		7/28/91
E SB	5801	State highway routes	342		4/1/92
		Sections 62 and 63			6/1/91
SSB	5806	Underground storage tanks	4		3/29/91
SB	5821	Air pollution control author	125		7/28/91
E SB	5824	Comm college summer courses	353		6/15/91
E SSB	5825	Offender firearm possession	221		7/28/91
2SSB	5830	Gang risk intervention prgms	296		7/28/91

SB	5834	Archiving methods	184		7/28/91
SSB	5835	Ski lift signs	75		7/28/91
E SSB	5837	Workers comp/employment comp	246		1/1/92
SSB	5873	Insurance/retired sch employ	254	PV	7/28/91
2SSB	5882	Criminal property forfeiture	345		7/28/91
E SB	5906	Domestic violence victims	23		7/1/91
		Sections 10 and 11			4/22/91
SSB	5916	Foster care grievance procss	340		5/21/91
SSB	5928	Military residence taxes	52		4/26/91
E SB	5959	Public assistance eligibility	10	E1	7/1/91
E SB	5960	Capital budget	3	E1	6/18/91
SB	5982	Free/reduced meal funding	37		4/22/91
E SB	5985	Higher ed health care traing	27	E1 PV	9/29/91
SB	5988	Library improvement levies	17	E1	9/29/91
E SSB	5996	Child support guidelines	28	E1	9/1/91
SB	5997	Double amendments corrected	11	E1	
		Sections 1, 2 and 6			6/30/91
		Sections 3-5			9/1/91
E SB	5998	LEOFF/surviving spouse	12	E1	9/29/91

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Fifty-Second Legislature
1991 Regular Session
1991 First Special Session

Senate No. Status Title

SENATE JOINT MEMORIALS

SJM 8000 Seaward boundaries extension
SJM 8006 Desert Storm troops thanked
SJM 8009 HAMMER training cntr/Hanford
SJM 8012 British Columbia sewage
SJM 8015 Internatnl nautical meeting

SENATE JOINT RESOLUTIONS

SJR 8203 County "home rule" charter

SENATE CONCURRENT RESOLUTIONS

SCR 8415 Reintroduction of bills
SCR 8416 Wa condominium task force
SCR 8418 Return bills/house of origin

**GOVERNOR'S MESSAGES ON HOUSE BILLS
SIGNED AFTER ADJOURNMENT**

Fifty-Second Legislature
1991 Regular Session
1991 First Special Session

July 2, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on June 30, 1991, Governor Gardner approved the following House Bills entitled:

ENGROSSED HOUSE BILL NO. 1890: Relating to regulation of nursing homes;

HOUSE BILL NO. 1891: Relating to coordination of the basic health plan with medical assistance;

SUBSTITUTE HOUSE BILL NO. 1909: Relating to the licensure of insurance companies;

ENGROSSED HOUSE BILL NO. 2231: Relating to the surety bond required from fire protection sprinkler system contractors;

ENGROSSED HOUSE BILL NO. 2235: Relating to increasing department of wildlife revenue by increasing the amount of fees for hunting and fishing licenses and personalized license plates;

HOUSE BILL NO. 2237: Relating to medical care.

Sincerely,
Thomas J. Felnagle, Counsel.

July 2, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on July 2, 1991, Governor Gardner approved the following House Bills entitled:

HOUSE BILL NO. 1095: Relating to funds transfers;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1831: Relating to subjecting certain ownership changes to real estate excise taxation;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1856: Relating to weights and measures;

HOUSE BILL NO. 2242: Relating to delaying the phase-in of property taxes for homes for the aging.

Sincerely,
Thomas J. Felnagle, Counsel.

July 11, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on July 11, 1991, Governor Gardner approved the following House Bills entitled:

ENGROSSED HOUSE BILL NO. 1376: Relating to the taxation of computer software;

REENGROSSED SUBSTITUTE HOUSE BILL NO. 1430: Relating to state general obligation and revenue bonds and related accounts;

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1907: Relating to the regulation of local government self-insurance.

Sincerely,
Thomas J. Felnagle, Counsel.

**GOVERNOR'S MESSAGES ON HOUSE BILLS
VETOED AND PARTIALLY VETOED**

Fifty-Second Legislature
1991 Regular Session
1991 First Special Session

July 16, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 19,
Reengrossed Substitute House Bill No. 1025 entitled:

"AN ACT Relating to growth strategies."

I welcome this measure, and am pleased to sign it into law.

Passage of this legislation fulfills an important promise made to the
state's citizens. It is a success story that should strengthen the public's faith
in the democratic political process.

I commend the Legislature - and particularly the legislative leadership -
for keeping its commitment to Washington citizens, and for working hard to
ensure that this bill will effectively protect our quality of life.

Reengrossed Substitute House Bill No. 1025 builds on the landmark
growth management legislation passed last year, and on the recommendations
of the Growth Strategies Commission. Even more important, it builds trust:
trust between citizens and their elected representatives, trust between businesses
and local governments, and trust among the bipartisan group of legislators who
crafted it. That trust is, in the end, the key element necessary for effective
and sustained growth management.

While I welcome this legislation, I have determined that section 19 of this
bill is so ambiguous that it gives rise to numerous legal interpretations of its
meaning and invites litigation.

I am not alone in this belief. Among the many letters my office has
received on this bill, the overwhelming opinion is that because key terms are
left undefined, and because the language is vague, this section is likely to
result in significant court action. Such litigation could result in a reduction of
existing local authority to protect open space -- thus producing a consequence
that is the direct opposite of the section's intent. I intend to insist that we
take actions that ensure that the existing authority of local governments to
protect open space are not compromised in any way.

I support the intent of the negotiators to address the relationship between
open space designation and protection of private property rights, and I believe
that we can come to consensus on how to clarify this issue.

Clearly, it is better to negotiate than to litigate. And this issue is far too
important to leave to the uncertainties of the judicial system. If we want clear

and effective protection for open space, we have more work to do, and I am committed to working with legislators to make sure it gets done in the next legislative session.

With the exception of section 19, I am approving Reengrossed Substitute House Bill No. 1025.

Respectfully submitted,
Booth Gardner, Governor.

June 30, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 123 through 139, Reengrossed Substitute House Bell No. 1058, entitled:

"AN ACT Relating to treasurer-managed funds and accounts."

Sections 123-139 effectively negate the deposit interest changes contained in the rest of the bill by restoring existing RCW language at the end of the 1991-93 Biennium. Reengrossed Substitute House Bill No. 1058 was designed to improve consistency in the disposition of interest earnings for Treasury accounts and it makes little sense to abandon this more uniform approach after just two years.

Reengrossed Substitute House Bill No. 1058 also has budget implications by providing additional state General Fund revenue in support of the 1991-93 Omnibus Appropriations Act. These revenues are integral to the statewide balance of revenues and expenditures, and their elimination would unquestionably pose a significant problem to the 1993-95 budget.

The Legislature has the opportunity to reconsider enacted legislation at any time. I can't condone the administrative and budget upheaval that would be created by an automatic reversal of the deposit interest changes that were the original intention of Reengrossed Substitute House Bill No. 1058.

With the exception of sections 123 through 139, Reengrossed Substitute House Bill No. 1058 is approved.

Respectfully submitted,
Booth Gardner, Governor.

June 30, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 35, page 16, lines 13 through 22, 36(1), page 17, lines 12 through 15 beginning with the word "Upon" and ending with "implementation," 45, 54, 55, 56, 57(2), 58, 59, and section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee" Engrossed Substitute House Bill No. 1231 entitled:

"AN ACT Relating to transportation appropriations."

My reasons for vetoing these sections are as follows:

Section 35, page 16, lines 13 through 22, Department of Personnel Study

Section 35, page 16 lines 13 through 22 directs a joint study conducted by the Office of Financial Management, the Department of Personnel, and the Department of Transportation. This study would determine if personnel training, education, recruitment, and retention services rendered to the Department of Transportation by the Department of Personnel are sufficient. A comprehensive evaluation of the Department of Personnel has already been initiated with the findings incorporated in the Work Force 2000 report. This legislation duplicates that ongoing evaluation of personnel services by the Office of Financial Management and the Department of Personnel. For several years, my executive request legislation proposing solutions to improving the personnel system has been ignored by the Legislature.

No funding for this study has been provided in either the transportation or operating budgets. I continue my commitment to an overall statewide solution and will direct the Office of Financial Management and Department of Personnel to attempt, to the extent possible within existing resources, to resolve the problems which have been identified.

Section 36(1), page 17, lines 12 through 15, the sentence beginning with the word "Upon" and ending with "implementation." Amtrak Service Improvements

When the transportation revenue bill was developed, there was an agreement that the transit residual was to be left in reserve until a review of priorities and efficiencies were completed. Specifically, the review included the following studies: (1) Programming a Prioritization Study; (2) Cost Responsibility Study; (3) Public Transportation Study. Further, it was envisioned that the results of the Growth Strategy Commission recommendations would be integrated into a multi-modal approach to transportation. The appropriations of the Transportation Fund contained in this section violate this agreement.

Section 36(1) gives the Legislative Transportation Committee the authority to require the Department of Transportation to submit to the committee a program to improve Amtrak service in Washington and to withhold expenditure of funds for program implementation until approval by the Legislative Transportation Committee.

In addition to violating the agreement regarding use of the Transportation Fund, I am vetoing this item because it is an inappropriate application of executive power by the Legislative Transportation Committee. It is inappropriate for the Legislature to delegate to a single committee the authority to adopt or reject a new program and allow it to exercise a legislative veto of these expenditures. Further, this would occur without opportunity for executive review or veto. Clearly, the Legislature and specific committees may require consultation in which clarification of legislative intent can be achieved, but it may not provide the discretion that combines both legislative and executive powers. To do so violates the concept of separation of powers.

Section 45, page 26, Revolving Funds

Section 45 requires that the Legislative Transportation Committee give prior approval for expenditures above what is "assumed" to be included in the transportation budget for services provided through revolving funds to the Washington State Patrol and the Department of Licensing. These services include those provided by the Department of Personnel, tort claim administrative costs and other legal costs, and audit services. This provision oversteps the boundary of legislative authority and would effectively create a legislative veto.

Section 54, pages 31 through 35, Information Technology Projects

Section 54 establishes significant additional requirements for agency information technology projects and increases agency workload without reducing existing reporting and planning requirements. The requirements for planning and reporting that would be established by the proviso overrule the existing process. These additional requirements do not improve the likelihood of project success. The proviso also has the result of establishing different standards for information projects in agencies receiving transportation funding from the standards applied to other agencies, which would increase the difficulty of establishing statewide information sharing. The proviso impinges upon the statutory responsibilities of the Office of Financial Management to conduct the budget process by interposing the Legislative Transportation Committee between an agency budget request and the Office of Financial Management. The establishment of a process by which a legislative committee encroaches upon the budgetary responsibilities of the executive branch is unacceptable.

Section 55, page 35 Growth Management Coordination

Section 55 requires the Department of Transportation to "...identify and coordinate all growth management functions." It further states that "Such functions shall cease to exist on June 30, 1995." This language is vague and the intent unclear.

Section 56, pages 35 and 36, Attorney General Tort Claims

Section 56 subsection (6) contains language that requires the Attorney General to submit in a yearly report to the Legislative Transportation Committee a summary of all settlement offers made by the parties where a verdict is rendered against the state. This provision makes the settlement offers public information. This provides a road map to the state's negotiating strategy which puts the state at a disadvantage against claimant's attorneys. While those who have legitimate tort claims against the state are entitled to reasonable compensation, the state also has an obligation to settle claims without unnecessary and unjustified costs to the taxpayers of the state.

The Attorney General's office has requested a veto of this section based on the concern noted above. The Attorney General's office has also stated its willingness to provide the Committee with a yearly report covering the elements in subsections (1) through (5) and, if additional resources are provided, cost data as specified in subsection (7).

Section 57(2), page 37, State Patrol Headquarters Design

This subsection is unnecessary because funding for this project is included in Engrossed Substitute House Bill No. 1427.

Section 58, page 39, Transportation Salary Increases

This section duplicates the language contained in Section 712(4) of Engrossed Substitute House Bill No. 1330. Unlike the provision in the operating budget, this section contains no funding.

Section 59, page 39 and 40, State Patrol Equipment Account

Section 59 would establish a State Patrol Equipment Account to finance and acquire equipment used for State Patrol highway-related purposes. In this account, users would be charged for depreciation and use of the equipment. The bill would also require the patrol to report to the Legislative Transportation Committee and the Office of Financial Management the kinds of equipment and the replacement schedules to be included in the account and financing alternatives.

Because the critical definitions are not established, this mechanism could result in increased user-fees in advance of a full understanding of the implications to users. These issues need to be worked out before changing state statutes.

Section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee." High Occupancy Vehicle Requirement

Section 67 requires two persons as the minimum number of occupants per vehicle for HOV lane use on limited access freeways unless operating conditions in the lane fall below level of service "C" during peak hours over 12 continuous months. The current definition of carpools allowed to use HOV lanes is determined by evaluation of operating conditions. The definition and evaluation are appropriately performed by the Department of Transportation. The public is better served by allowing the Department of Transportation to retain flexibility in this area.

With the exception of sections 35, page 16, lines 13 through 22, 36(1), page 17, lines 12 through 15 beginning with the word "Upon" and ending with "implementation," 45, 54, 55, 56, 57(2), 58, 59, and section 67, page 44, line 28 beginning with the word "For" through page 45, line 8 ending with the word "committee" Engrossed Substitute House Bill No. 1231 is approved.

Respectfully submitted,
Booth Gardner, Governor.

June 30, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 126(1), (2), (4), 128(3), 148, lines 1 through 4, 201(3)(b), (c), (f), 202(14), 203(1)(b), 205(1)(a), (1)(b), (2)(a), (2)(c), 206, 212(2), 213(11), (12), 215(1), 216(6), (12), 219(4), 220(26), 227(3), 232(1), (4), (5), (8), (9), (10), (11), (12), 303(10), (17), 308(2), (5), (6), (10), 312(4), 313(7), 315(6), 402(1), 516(6), 517(13)(a), (20), 601(2), (5), (8), 905, 906, 907(5), and section 908 of Engrossed Substitute House Bill No. 1330, entitled:

"AN ACT Relating to fiscal matters; making appropriations and authorized expenditures for the operations of state agencies for the fiscal biennium beginning July 1, 1991, and ending June 30, 1993."

My reasons for vetoing these sections are as follows:

Section 126(1), page 11, Status of MWBE's Study

Subsection 1 requires the Office of Financial Management (OFM) to conduct, within the appropriations provided, a statewide study of the status of minority- and women-owned businesses. This subsection does not describe the intended uses of the study nor does it adequately define the scope of the study. Absent clearer direction regarding the scope of such a study and appropriations to support it, OFM cannot undertake this work.

Section 126(2), page 11, Commission on Student Learning

This subsection provides funding solely for costs related to the Commission on Student Learning. The education restructuring bill failed to pass the Legislature. However, during the 1991-93 Biennium the recently formed Governor's Council on Education Reform and Funding will require financial support which was not provided in this budget. It is important that the Office of Financial Management have flexibility in determining the relative priority of this task and the other ongoing work of OFM not supported by its appropriation.

Section 126(4), page 11, and section 128(3), page 12, Authorized FTE Positions

These subsections require the Office of Financial Management (OFM) and the Department of Personnel (DOP) to jointly reconcile the two agencies' lists of authorized FTE positions for each agency under the jurisdiction of the Department of Personnel, and report to the legislative fiscal committees by September 1, 1991. It is not clear what is meant by a "reconciliation" of lists of authorized FTE positions. OFM allocates and monitors the use of FTEs by agency, irrespective of the classes or percent of time for the positions that consume the FTEs. DOP, on the other hand, maintains the integrity of the classification system by ensuring that established positions are allocated to correct classes, that new positions are established in appropriated classes, and that classes that have become obsolete are removed from the system. There is no present expectation that DOP will have exactly one position established for each FTE consumed by an agency. I will ask that representatives from OFM and DOP meet with representatives from the fiscal committees to determine the intent of these subsections and satisfy that intent to the extent

that doing so is consistent with current practice and can be accommodated within budgetary constraints.

Section 148, lines 1 through 4, page 20, Cigarette Tax Enforcement

Lines 8 through 11 provide a portion of the Liquor Control Board appropriation for the purpose of implementing Senate Bill No. 5560 (cigarette tax enforcement). I have vetoed Senate Bill No. 5560, therefore, this language is moot. I will direct the Liquor Control Board to place \$2,847,000 in reserve.

The appropriations provided for the Department of Revenue in section 135 are adjusted downward \$742,000 on the assumption that Senate Bill No. 5560 would be enacted. Because the Department of Revenue must continue cigarette tax enforcement and the \$742,000 is the Department's minimal fixed cost for the activity, the Department will be required to reduce expenditures in other activities. This places stress on the Department's ability to generate the revenues needed to fund this budget. The Department, OFM, the Forecast Council, and my office will monitor the effects of this reduction carefully, and request corrective action if it becomes necessary.

Section 201(3)(b), page 23, Early Childhood Education and Assistance Program

Subsection 201(3)(b) provides \$6,200,000 from the federal child care and development block grant for the Early Childhood Education and Assistance Program (ECEAP) in the Department of Community Development. Federal statute and regulations governing these block grant funds set an amount to be spent for early childhood education services that appears to be approximately \$3,800,000. The remaining \$2,400,000 provided for ECEAP would have to meet all of the requirements in federal regulations for child care services which may be overly prescriptive for ECEAP. I am determined to ensure that ECEAP will be available for all eligible children and will, therefore, allow the transfer of \$3,800,000 to the Department of Community Development for ECEAP and direct the Department of Social and Health Services to allocate the \$2,400,000 according to priorities established in federal statute and regulations including ECEAP, if allowed.

Section 201(3)(c), page 23, Local Child Care Block Grants

Section 201(3)(c) provides \$4,901,000 from the federal child care and development block grant for block grants to communities for locally designated child care services. The Federal Block Grant Advisory Group I convened earlier this year also recommended that a portion of the federal block grant funds go towards this purpose. Since then, we have received interim federal regulations, which have set some very specific priorities for use of these block grant funds. While I continue to support the concept of local discretion, it is unclear that the federal regulations will allow this level of funding to be used for local block grants. Therefore, I am directing the Department of Social and Health Services to allocate these funds according to the priorities established in federal statute and regulations.

Section 201(3)(f), page 24, Resource and Referral Services

Section 201(3)(f) provides \$850,00 from the federal child care and development block grant for 50 percent matching grants to child care resource and referral programs. The proviso is overly prescriptive concerning what the resource and referral agencies must provide with these funds. Furthermore, it is unclear whether the 50 percent match requirement applies to an individual resource and referral agency or on a statewide basis. I am concerned that some distressed communities which need resource and referral services will be unable to meet the matching requirements as specified in this proviso. Therefore, I am directing the Department of Social and Health Services to use these funds for resource and referral purposes in a more flexible manner.

Section 202(14), page 28, Adoption Support Payment Prohibition

Section 202(14) prohibits the Department of Social and Health Services from continuing adoption support payments for children beyond the age of 18 years. I am vetoing this subsection for two reasons: it is not possible to discontinue existing agreements with adoptive parents and under some circumstances, it may be appropriate for the Department to continue adoption support payments.

Section 203(1)(b), page 29, Expand Option B Community Service

This subsection mandates \$1,501,000 for the Division of Juvenile Rehabilitation be expended solely for option B community services diversion. The expansion of community capacity is the backbone of the Division's ten-year plan and I fully support the concept and the funding incentives which drive its implementation. Even though the Department has been directed to aggressively pursue this option, the Division must retain flexibility in managing the offender population across a continuum of custody and treatment levels.

Section 205(1)(a), page 33, Developmental Disabilities Downsizing

Subsection 1(a) requires the Department of Social and Health Services (DSHS) to transfer at least 250 residents from the residential habilitation centers to community residential programs. By this action the Legislature is directing the agency to change its interpretation of the "Family Choice" statutes. To move this many clients with the funds provided appears very difficult and will require the Department to expedite placement planning. I am committed to good, safe, high quality placements for the developmentally disabled clients living at the institutions as well as in community settings.

Section 205(1)(b), page 33, Residential Services

Subsection 1(b) requires the Department of Social and Health Services to continue to contract with King County to administer community-based residential services. This contract, unique to King County, adds additional administrative expenses for both the state and the providers. The money provides a greater benefit if spent on the direct delivery of services to clients.

Section 205(2)(a), page 35, Temporary Staff

This subsection provides funds to the Department of Social and Health Services for costs related to hiring temporary staff at the residential habilitation centers. To ensure continued certification at these institutions, staff must be well-trained. To protect our investment in this training as well as ensure continued certification, some temporary staff may have to be made permanent. I am directing the Department to use temporary staff at the institutions to the maximum extent possible to the degree it does not risk continued federal certification of the residential habilitation centers. The agency will provide the appropriate committees of the Legislature with a thorough accounting of these funds as well as the status of the temporary and permanent staff employed at the residential habilitation centers.

Section 205(2)(c), page 35, Loss of Federal Financial Participation

Subsection 2(c) provides funds solely for residential habilitation center clients who risk causing the institutions to lose federal financial participation. I am directing the Department of Social and Health Services to use its discretion in how to best serve these residents and ensure continued federal certification. Any savings that may accrue as a result of these actions will be set aside and not be expended until reviewed and approved by the Office of Financial Management. The agency will notify the appropriate committees of the Legislature about the status of its efforts to maintain federal certification and how these funds have been expended.

Section 206, pages 36-37, Developmental Disabilities 10-Year Plan

This section provides funds for the Center for Disability Policy and Research of the University of Washington to complete a 10-year plan for the operation of state-funded services for the developmentally disabled. I feel strongly that this plan should be done, but it is the responsibility of the Department of Social and Health Services. I am directing the Department to develop this plan within their existing resources. In preparing this plan, I am directing the Department to involve representatives from community providers, institutional advocates, and other developmental disability advocacy groups.

Section 212(2), page 42, Intensive Inpatient Treatment Beds

The proviso language contained in this subsection is overly prescriptive in directing the Division of Alcohol and Substance Abuse to contract with a specific service provider. While I agree that additional adult intensive inpatient treatment beds may be needed in Pierce County, it is imperative that the Department of Social and Health Services be allowed to follow established administrative procedures in selecting and acquiring treatment resources. I will direct the Department to examine the treatment needs consistent with this proviso and act accordingly.

Section 213(11), page 45, Diabetic Services

Subsection 11 directs the Department of Social and Health Services to develop and put into effect medical assistance procedural codes and payment schedules for specific diabetic services. This proviso is unduly prescriptive in the limits it places on the Department's discretion to manage the medical

assistance program. The Department will pursue a review of diabetic services and will, on a case-by-case basis, determine the most cost-effective means of providing this care. These reviews will address the issue of whether, and when, in-home care as opposed to hospital care is appropriate. These actions will meet the intent of this subsection.

Section 213(12), page 45, Managed Care

This subsection requires the Department of Social and Health Services to increase total payments to managed care providers whenever the current rate is below the statewide average fee-for-service equivalent rate. The increased payments are to be made in the form of signing bonuses. No discretion is provided to the Department, it is simply mandated to increase rates uniformly for all managed care contractors. The cost of going from regional managed care rates with federal matching participation to the statewide average rate where the difference is all General Fund-State would be substantial and is not funded. Without the specific funding for this purpose, not only would the Department have to absorb this cost, but it would also lose the opportunity to gain federal matching funds. In making this veto, I am in no way implying a lessening of interest in managed health care. I am directing the Department to look for ways, within available funds, to promote equity and provide incentives to encourage current providers and new providers to participate to a greater degree in managed care programs.

Section 215(1), page 46, Local Impact Account

This subsection provides funds solely to mitigate the impact of state institutions on local communities. Rather than set aside these funds I am directing the Department of Social and Health Services to pay for these impacts as the bills are received.

Section 216(6), page 48, Evening and/or Weekend Service Hours

Subsection 6 requires the Department of Social and Health Services to deploy 20 percent of the local office staffing added for increased caseload to expand evening and/or weekend service hours. While the intent of this proviso is supported, it cannot be met without additional funding. The Community Services Administration program did not receive funding for a number of requirements it must meet in the 1991-93 Biennium. In addition to numerous policy reductions and an across-the-board 3 percent decrease, funding for outstationing of eligibility staff required by the federal Omnibus Reconciliation Act of 1990 was not provided. The cumulative effect of these unfunded requirements makes it impossible for the Department to meet the added requirements of this subsection.

Section 216(12), page 49, Grant Standard Increase

This subsection provisos funds for a grant standard increase in the Community Services Administration Program within the Department of Social and Health Services. The wording of the proviso addresses assistance programs while the funding is for additional staff associated with the increased caseload that comes with a grant standard increase. The wording is

misleading and is being vetoed to eliminate any possible discrepancy between the grant standard increase and staffing requirements in this program.

Section 219(4), pages 51-52, Study of Health Care Coverage

This subsection requires the Health Care Authority to conduct a study of health care coverage for retired and disabled state, local government, and public school employees. The study is to be completed by December 1, 1991. The study required is not funded and is too broad to be completed either by December 1, 1991, or by available staff.

Section 220(26), page 58, Grant Expenditure Notification

This subsection requires that the Department of Community Development notify the Legislature before reducing grants or contracts in assistance to units of government. While the Department will make every effort to adequately fund programs, this proviso unduly limits the agency's management prerogatives.

Section 227(3), page 64, Women, Infants, and Children Program

Subsection 227(3) purports to provide \$5,000,000 in General Fund-State specifically for enhancement of the Women, Infants, and Children (WIC) program. It is clear that the Department of Health is actually receiving only \$2,500,000 in additional General Fund-State authority. I am vetoing this subsection because we cannot provide \$5,000,000 General Fund-State for increased WIC services and I do not wish to mislead anyone into believing that the Department of Health has the available funding.

Section 232(1), page 68, Administration of Extended Unemployment Compensation Benefits

This subsection requires that the Employment Security Department (ESD) use \$1,278,000 of the Unemployment Compensation Administration Fund-Federal appropriation to perform several duties related to the administration of the extended benefits for timber workers set out in chapter 315, Laws of 1991 (Engrossed Substitute Senate Bill No. 5555). Use of this source of funds for purposes set out in sections 3, 5, and 9 of chapter 315 is inappropriate and would lead to adverse federal audit findings. Neither the extended benefits program or the delivery of services to timber workers are adversely affected by this veto.

Section 232(4), (5), (8), (9), and (10), pages 68-69, Administrative Contingency Fund

Subsections 2 through 10 direct the expenditure of \$7,829,000 of the Administrative Contingency Fund appropriation to specified purposes. Subsections 2, 3, 6, and 7 appropriate \$1,810,000 to essential elements of our state's assistance to timber-dependent communities and displaced timber workers. Funding of these four activities at the levels indicated is sufficiently important that I am letting these subsections stand. Because the total appropriation for this fund (page 67, line 21) of \$11,808,000 exceeds my understanding that only \$9,510,000 in revenue will be received by this fund,

however, I am vetoing subsections 4, 5, 8, 9, and 10 to increase the Employment Security Department's flexibility to absorb the \$2.3 million shortfall. Whereas it would have been necessary for ESD to make cuts averaging 71 percent in the \$5.3 million of nonprovisoed current level programs, these vetoes reduce the percentage cut which must be taken in the revised nonprovisoed base of \$11 million to 30 percent. I will require that ESD present its planned allocation of the unprovisoed balance to programs to me for my approval.

Section 232(11), pages 69-70, Administrative Contingency Fund

This subsection would require the Employment Security Department (ESD) to adhere to the program allocations specified in subsections 2 through 10 through all of Fiscal Year 1992. The Legislature would consider making up any revenue shortfall with supplemental appropriations for Fiscal Year 1993. In view of the fact that the appropriation for the Administrative Contingency Fund already exceeds estimated revenue by \$2.3 million, and to avoid the future consequences of spending more than is available in the short term, I must ask that less be expended in Fiscal Year 1992. My veto of subsections 4, 5, 8, 9, and 10 (see above), the veto of this subsection, and my earlier stated requirement that ESD submit a balanced expenditure plan to me for approval should ensure continuity in the delivery of services supported by this fund.

Section 232(12), page 70, Displaced Timber Worker Pilot Program

This subsection requires the Employment Security Department to make funds available from federal funds that have been received for a pilot program for dislocated timber worker training. The funds that would be used for this purpose have already been allocated to Service Delivery Areas, consistent with federal Department of Labor requirements. They are not available to implement a pilot program as specified in this subsection.

Section 303(10), page 75, Columbia Basin Irrigation Matching Funds

This subsection provides \$100,000 as state matching funds for the Columbia Basin Irrigation project. There are significant questions about the appropriateness, cost-effectiveness and economic justification for this project as a whole. Given the planning process currently underway, it would be inappropriate to support a large expansion of the Columbia River Reclamation project at this time.

Section 303(17), page 77, and Section 313(7), page 86, Wildlife Rehabilitation Center

Both of these subsections direct the Department of Wildlife to expend \$450,000 from the Coastal Protection Account for a marine mammal and bird rehabilitation center. Although the agencies support the concept and plan to develop such a center, this proviso conflicts with existing statute and fund obligations. Under RCW 90.48.142, expenditures from the Coastal Protection Account can only be authorized by a steering committee of natural resource agencies. In addition, the majority of funding available in the Coastal

Protection Account is derived from the settlement of the Nestucca Oil Spill. Although the settlement makes a provision for a rehabilitation center, only \$360,000 was designated for this purpose in the agreement. This proviso would be in conflict with the settlement agreement. Although I am vetoing these sections, the agencies will continue the development of a center.

Section 308(2), page 80, Washington Research Foundation

This subsection provides \$200,000 for the Washington Research Foundation. While I am supportive of encouraging greater commercialization of promising technologies developed in state research institutions, it is more appropriate that the Department of Trade and Economic Development contract directly with the appropriate university for services. If the university deems it appropriate, they may contract with the Washington Research Foundation.

Section 308(5), pages 80-81, Value Added Program

The language in this subsection is in conflict with the requirements stipulated in Engrossed Substitute House Bill No. 1341, timber-dependent communities. It provides for business contracts above the current level of expenditure, and unnecessarily restricts the flexibility of our highly successful value added program. I will require the Department of Trade and Economic Development to use a significant proportion of the funds for business contracts to promote value added manufacturing.

Section 308(6), page 81, Program Coordination

This subsection provides funding for coordination of the state timber response currently being done by the Governor's timber team. I will require that the Department of Trade and Economic Development enter into an interagency agreement with the Office of Financial Management (OFM). I am requiring OFM to expend these funds in compliance with Engrossed Substitute House Bill No. 1341. This appears to be a technical error.

Section 308(10), page 81, Grant Expenditure Notification

This subsection requires that the Department of Trade and Economic Development notify the Legislature before reducing grants or contracts in assistance to units of government. While the Department will make every effort to adequately fund programs, this proviso unduly limits the agency's management prerogatives.

Section 312(4), page 84, Coho Net Pens

This subsection provides \$785,000 in General Fund-State for increased coho salmon production through net pens and delayed release methods. While increasing the production of salmon is important, a project of this size is infeasible at this time. Further study is required to determine the role that such projects will have in artificial and natural production programs, to evaluate environmental consideration in siting net pens, and to ensure consistency with the Salmon 2000 Plan scheduled to be submitted to the Legislature in January 1992. Although I am vetoing the proviso, I am directing the Department of Fisheries to expend \$75,000 on developing a plan

for pen-rearing coho to be completed no later than July 1, 1992. The remaining funds will be placed in unallotted status until a specific plan for expenditures has been completed and submitted to the executive and the Legislature.

Section 315(6), page 91, Yakima Office - Livestock Marketing News

Subsection 6 directs that \$172,000 of the General Fund-State appropriation be maintained for this function out of the Yakima office. This proviso unreasonably restricts the Department from carrying out this function which will be maintained, as efficiently as possible, out of the Department's Olympia office. Furthermore, this provision would require the agency to reduce needed services in other areas due to other legislative cuts.

Section 402(1), page 93, Master License System

Subsection 402(1) requires that \$1,000,000 be transferred from nine state agencies to help fund the Department of Licensing's Master License System (MLS). No funding has been provided in any of the affected agencies budgets to fund this requirement. The appropriate role of fee support versus General Fund support for the Master License System has been a matter of controversy for several years. The time has come to resolve this matter. I believe the Master License System has proven itself to be a valuable service to business, greatly simplifying the time and effort required to meet the state's license, tax, and regulatory requirements. It is time for the Legislature to decide whether the MLS is a benefit to business worth additional fee support, a service provided by the state to business funded at least partially through the General Fund or not worth doing at all. In any case, requiring participating agencies to absorb the costs of the system is not an acceptable option.

Section 516(6), page 123, Drug Enforcement and Education Account

Subsection 6 provides \$10,300,000 to be provided to support school district substance abuse awareness programs. The funding is restricted in distribution to the same method used in the current biennium. Several districts, in a concentrated geographic region, received large grant amounts and other districts received no funding at all. By restricting the grants to the current districts, a true statewide impact on substance abuse education for our students cannot be achieved.

Section 517(13)(a), pages 126-127 Fair Start Program

Section 517(13)(a) requires that school districts and educational service districts receiving funding for early intervention and prevention services collaborate with regional support networks or counties for coordinated case management. Although this mandate is commendable, this language would require labeling of children before early intervention services could be offered. It would also preclude the purchase of services from some youth and family service agencies. Fair Start funds have provided schools the opportunity to assist children and their families before serious problems emerge. Children benefit from a variety of interventions, including, but not limited to approved mental health providers. Again, I commend the intent of this proviso, and

encourage continued collaboration between the schools and the mental health community.

Section 517(20), page 129, REACH for Excellence Program

Subsection 20 provides grant funding to local school districts to develop outcome-based educational programs and methods of assessing students' achievement. I am committed to a system that is performance oriented and emphasizes student results. However, it would be inefficient and a questionable policy to have this complex task undertaken by individual districts without benefit of state direction and technical assistance such as was envisioned in the education restructuring bill which failed to pass the Legislature. I will ask the Governor's Council on Education Reform and Funding to address these issues as part of its charge.

Section 601(2), page 136, HECB Recommendations on Expenditure Categories

This subsection requires the Higher Education Coordinating Board to define instructional support expenditures and indirect support expenditures, identify the rates of these expenditures in each higher education institution, and recommend guidelines for these categories of spending. This subsection is vetoed because it takes time from other important tasks assigned to the Higher Education Coordinating Board.

Section 601(5), page 140, Salary Increase Restrictions

This subsection prohibits salary increases over \$3,900 in 1992 and 1993 for any person in the higher education system with an annual salary over \$100,000. This subsection impedes recruitment and retention of qualified administrators and instructors and is therefore vetoed.

Section 601(8), page 142, Administrative Overhead

Subsection 601(8) stipulates that institutions of higher education shall not deduct more than 15 percent for administrative overhead from any amount received for services performed under an interagency contract new or renewed since June 30, 1990, unless a higher rate receives Office of Financial Management approval prior to execution of the agreement. This subsection conflicts with statutory law, RCW 39.34.130 and RCW 43.09.210, requiring state agencies to pay full costs for services performed on its behalf by other state agencies. I recommend the Office of Financial Management review administrative overhead cost recovery rates paid to institutions of higher education.

Section 905, pages 180-181, Publication Expenditures

Subsection 1 requires that all state publications be printed on recycled paper. I have already encouraged this practice and most state agencies actively support recycling efforts. However, universal access to recycled paper is not certain and some publications such as state maps cannot be reproduced on available quality paper. I prefer that state agencies have the flexibility to make the most cost effective choice in this matter without risking violation of the appropriations act.

Subsection 2, which requires recipient confirmation of their desire to be on a state mailing list, also makes a lot of sense from a broad policy perspective but could prove counterproductive in actual practice. Agencies may, for example, have a legal responsibility to provide information to specific clients, or find that surveying recipients poses additional costs.

Although I am vetoing this section in its entirety, I will instruct state agencies to initiate procedures which accomplish the general intentions of the Legislature.

Section 906, page 181, Personnel Recruitment

This section restricts agencies from obtaining outside assistance in filling vacancies except when granted a waiver by the Department of Personnel (DOP). Under this provision, agencies are encouraged to obtain these services from DOP. This provision is unreasonably restrictive. While the bill provides resources to DOP for doing executive searches, these are likely to be insufficient for the purpose intended. In any case, requiring waivers creates additional bureaucratic hurdles and represents an unacceptable incursion in the executive's authority. Finally, the Legislature failed to identify any criteria for granting waivers.

Section 907(5), pages 182-183, Limitations on Personal Service Contracts

I concur with strengthened management of the state's personal service contracting process embodied in this section. In fact I intend to go further in requiring executive agencies to provide information on all personal service contracts so that a complete database on activity in this area will be available.

Subsection 5 of section 907 requires the Office of Financial Management to ensure that statewide expenditures for personal service contracts in the 1991-93 allotments do not exceed personal service expenditures incurred during 1989-91. Object expenditures are dictated by specific budget policy decisions, not historical patterns. Personal service contracts tend to be project in nature and it would be arbitrary to stipulate that individual agency costs or statewide costs match the prior biennium.

In practical terms, this requirement could not be implemented until after the 1991-93 allotments were submitted since the Legislature does not appropriate at the object level of detail. This approach would require some executive-determined reduction to initial allotments if the statewide personal service contracts total exceeded 1989-91 estimates. The language also specifically includes judicial agencies over which the Governor has no allotment approval authority.

Section 908, pages 183-184, OFM Out-of-State Travel Expenditures

I support the concept of increased accountability for state employee travel and have recently issued tighter travel regulations requiring agency head approval for out-of-country travel, limiting overnight stays, increasing the personal accountability of all employees for their travel, and establishing centralized travel management practices. Section 908 creates another layer of reporting and approval requirements that are a cumbersome attempt at micro-management.

Since Subsection 1 applies to "executive branch" agencies, it could provide OFM with authority over statewide elected officials' delegation of travel approval authority. Subsection 2 requires that expenditures for out-of-state travel that involves five or more employees and more than \$1,000 per employee have prior approval of the Office of Financial Management (for executive agencies) or the agency head (for legislative and judicial agencies). Although I agree with the general policy of agency Director approval of certain out-of-state travel expenditures, I cannot accept a role for OFM that usurps the legal responsibility of agency directors and separately elected officials to make legitimate expenditures.

Subsection 3 requires agencies incurring out-of-state travel expenses for air transportation, for five or more persons, or in excess of \$500 per person, to report specific details of this travel to the Legislative Budget Committee on a quarterly basis.

It may be desirable to provide more visibility to certain levels of out-of-state travel, but there is also an administrative burden that is created by having to report detailed information about most trips. The cost to universities and other agencies that necessarily engage in out-of-state travel does not appear justified by the benefits.

With the exceptions of sections 126(1), (2), (4), 128(3), 148, lines 1 through 4, 201(3)(b), (c), (f), 202(14), 203(1)(b), 205(1)(a), (1)(b), (2)(a), (2)(c), 206, 212(2), 213(11), (12), 215(1), 216(6), (12), 219(4), 220(26), 227(3), 232(1), (4), (5), (8), (9), (10), (11), (12), 303(10), (17), 308(2), (5), (6), (10), 312(4), 313(7), 315(6), 402(1), 516(6), 517(13)(a), (20), 601(2), (5), (8), 905, 906, 907(5), and section 908 Engrossed Substitute House Bill No. 1330 is approved.

Respectfully submitted,
Booth Gardner, Governor.

June 30, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5, 6(3)(b), (4)(d), 15(4), 19(62), 20(5), 24(17) line 8, page 105, (18) line 25, page 105, (22), line 23, page 106, 30(9)(b)(c)(d)(e), and section 58 of Engrossed Substitute House Bill No. 1427, entitled:

"AN ACT Adopting the capital budget."

My reasons for vetoing these sections are as follows:

Section 5, page 7, Office of the Administrator for the Courts

Section 5 provides for the replacement of the heating-ventilation-air conditioning system in the Olympia eastside building. This building is leased by the state and therefore it would be inappropriate to use bond money to correct building deficiencies.

Section 6(3)(b), page 8 and page 9, Asbestos Removal or Abatement Projects

Subsection 3(b) provides funding to the Office of Financial Management to be allocated to agencies and institutions for asbestos removal or abatement projects with conditions and limitations. While I agree with the Legislature's concern that funding asbestos projects needs a statewide, comprehensive approach, this language is unduly restrictive and does not allow for emergency situations. The federal law requirement applies only to school districts through the Asbestos Hazard Emergency Response Act (AHERA) program and this provision may unduly impact those institutions such as Developmentally Disabled facilities that do not fall within the AHERA requirements. The requirements for evaluation of asbestos projects is more appropriately established through administrative rule.

Section 6(4)(d), page 10, Higher Education Branch Campuses Site Acquisition and Development (90-5-002)

Subsection 4 provides funding for the acquisition and development of sites for branch campuses with conditions and limitations. Subsection (d) requires that the appropriation not be expended for land in the Spokane area until an environmental study indicates the property is free of toxic substances. While I concur with the Legislature that property acquired by the state not contain substances which exceed state and federal toxic standards, it is unreasonable to establish a standard which prohibits the state from acquiring property until it is "totally" free of toxic substance, as such a certification may be impossible for any property.

Section 15(4), page 56, Garfield Barracks

This subsection directs the Office of Financial Management to report to the legislature on the costs of constructing, maintaining, and operating Garfield Barracks using federal Veterans' Affairs funds compared to the cost of using Medicaid Nursing Home funding. This subsection also indicates funds cannot be expended until the agency has sought Medicaid Certification for its existing facilities. The federal Veterans' Administration has indicated that federal funds will not be released for projects with these kinds of provisos. Additionally, to seek Medicaid Certification for the existing facilities before a study has been completed is inappropriate. I am directing the Department of Veterans' Affairs to complete the study of funding alternatives.

Section 19(62), page 89, Olmstead Park

This subsection provides for the revenues generated from the lease of state lands at the park to be used exclusively for the improvements of this park. This language is unduly prescriptive and limits the Commission's discretion in efficiently administering the state park system.

Section 20(5), page 91, Clear Creek Dam

This subsection provides funding to rebuild the Clear Creek Dam in Yakima County. Although this project has strong local interest, because the benefits from the project are purely local they do not justify state funding.

Given the limited nature of state capital dollars this project does not warrant a \$1.75 million commitment of state funds.

Section 24(17) line 8, page 105 (18), line 25, page 105, (22), line 23, page 106, Wildlife Reimbursable Bonds

These sections make appropriations for capital projects for the Department of Wildlife and are funded through reimbursable bonds backed by the State Wildlife Account. While use of such funding may be an acceptable policy, it cannot be decided without determining the future amount of General Fund which will be used to fund the Department. The Wildlife Department cannot commit to debt service until there is a resolution to provide sufficient General Fund financing for their operating budget. I am therefore vetoing the appropriations from the Wildlife Reimbursable Construction Account. The agency will scale back these capital projects and complete them to the extent possible within existing funds.

Section 30(9)(b)(c)(d)(e), page 127, Public School Building Construction

Section 30(9) provides funding for school construction subject to conditions. These conditions would effectively gut the log export restriction recently enacted by Congress and implemented by my office. I believe it is a cruel hoax to encourage the export of raw logs overseas at a time we are facing an extreme raw log shortage within our own state. Last month, a judge shut down virtually all new timber sales on Federal lands in Washington state. Consequently, the only supply of logs left for those federally dependent mills will be from state lands. This budget proviso attempts to take that supply away from these mills as well. If successfully implemented, this proviso would effectively snatch thousands of jobs from Washington forest products workers and send those jobs to Japan.

I am vetoing the proviso requiring the Department of Natural Resources to rewrite the rules adopted by my office to implement the state log export restriction. The rules currently in force prohibit the practice of substitution. Substitution is a practice carried out by the large landowning, log-exporting companies of exporting logs from their own lands overseas and then running the export restricted logs through their mills. This practice effectively negates the impact of the export restriction and results in the state subsidizing the big log-exporting companies.

The Department of Natural Resources opposes the substitution prohibition and has expressed a desire to write rules which would allow the big log exporting companies to buy export restricted state logs.

I am vetoing this proviso for three reasons: 1) An effective export restriction is needed during this time of log shortages. 2) Changing the rules will not save the common school construction fund money. It is a federal law which prohibits exports not the state rules. Gutting the rules will merely ensure that the beneficiaries of the law are the big log exporting companies rather than the small and medium sized domestic processors. 3) This proviso is not legal under Federal law. The Federal log export restriction gives the Governor or the legislature the authority to write rules implementing the federal log export restrictions. This federal authority can only be promulgated

by the passage of specific authorizing legislation or by an issuance of rules by the Governor. Budget provisos are not a substitute for either of these actions.

Section 58, page 194 and 195, Development Loan Fund

This section amends the development loan fund statute to make principal and interest payments to the fund appropriated. The state appropriation of funds with federal status will not allow the program to comply with federal regulations.

With the exception of sections 5, 6(3)(b), (4)(d), 15(4), 19(62), 20(5), 24(17), line 8, page 105, (18), line 25, page 105, (22), line 23, page 106, 30(9)(b)(c)(d)(e), and section 58 of Engrossed Substitute House Bill No. 1427 is approved.

Respectfully submitted,
Booth Gardner, Governor.

July 2, 1991

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, House Bill No. 2214 entitled:

"AN ACT Relating to the municipal criminal justice assistance account."

This bill was intended to rectify an ambiguity resulting from a partial veto of Chapter 311, Laws of 1991. That measure defined criminal justice purposes and established a base year for supplanting provisions of the local criminal justice assistance provided by the Legislature in 1990. Section 3 of Chapter 311, Laws of 1991, contained the same language as sections 1 and 2 of this bill.

I vetoed section 3 because I believe it to be inappropriate to withhold critically needed criminal justice funds to effect an administrative agreement between two public entities. For these same reasons, I am vetoing section 2 of House Bill No. 2214.

With the exception of section 2, House Bill No. 2214 is approved.

Respectfully submitted,
Booth Gardner, Governor.

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	C 211	Intro. & 1st Rdg.	1739
2164		Committee Report	2307
Intro. & 1st Rdg.	595	2nd Rdg. Amendments	2453
2165		Other Action	2307, 2453
Intro. & 1st Rdg.	620	2187 (Sub)	
2166		2nd Rdg. Amendments	2453
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2167		Other Action	2454, 2735,
Intro. & 1st Rdg.	620		2814, 2974
2168		Action by Gov.	3548
Intro. & 1st Rdg.	620		C 51
Committee Report	737	2188	
2nd Rdg. Amendments	1194	Intro. & 1st Rdg.	1780
3rd Rdg. Final Passage	1194	Committee Report	1802
Other Action	3929	2189	
2169		Intro. & 1st Rdg.	1781
Intro. & 1st Rdg.	620	2190	
2170		Intro. & 1st Rdg.	1781
Intro. & 1st Rdg.	620	Committee Report	1802
Committee Report	737	2191	
2nd Rdg. Amendments	1397	Intro. & 1st Rdg.	1781
3rd Rdg. Final Passage	1398	2192	
Other Action	3929	Intro. & 1st Rdg.	1781
2171		2193	
Intro. & 1st Rdg.	621	Intro. & 1st Rdg.	1794
2172		2194	
Intro. & 1st Rdg.	621	Intro. & 1st Rdg.	1800
2173		2195	
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2196		Intro. & 1st Rdg.	1800	Intro. & 1st Rdg.	4033
		Committee Report		Committee Report	4188
2197		Intro. & 1st Rdg.	1801	2217	
2198		Intro. & 1st Rdg.	2203	Intro. & 1st Rdg.	4034
		Committee Report	2452	2218	
		2nd Rdg. Amendments	2480	Intro. & 1st Rdg.	4034
		3rd Rdg. Final Passage	2480	2219	
		Other Action	2282, 2479,	Intro. & 1st Rdg.	4034
			2735, 3250, 3327	2220	
		Action by Gov.	3956	Intro. & 1st Rdg.	4034
			C 205	Committee Report	4188
2199		Intro. & 1st Rdg.	2203	2nd Rdg. Amendments	4191
2200		Intro. & 1st Rdg.	2281	3rd Rdg. Final Passage	4195
2201		Intro. & 1st Rdg.	2471	Other Action	4188, 4688
2202		Intro. & 1st Rdg.	3960	2221	
2203		Intro. & 1st Rdg.	3960	Intro. & 1st Rdg.	4040
2204		Intro. & 1st Rdg.	3960	2nd Rdg. Amendments	4196
		Intro. & 1st Rdg.	3960	3rd Rdg. Final Passage	4196
2205		Intro. & 1st Rdg.	3960	Other Action	4189, 4688
2206		Intro. & 1st Rdg.	3960	2222	
		2nd Rdg. Amendments	4031	Intro. & 1st Rdg.	4041
		3rd Rdg. Final Passage	4031	2223	
		Other Action	3963, 4688	Intro. & 1st Rdg.	4041
2207		Intro. & 1st Rdg.	3964	2224	
2208		Intro. & 1st Rdg.	3965	Intro. & 1st Rdg.	4041
2209		Intro. & 1st Rdg.	3965	Committee Report	4222
2210		Intro. & 1st Rdg.	3965	Other Action	4222, 4687
2211		Intro. & 1st Rdg.	3971	2225	
2212		Intro. & 1st Rdg.	3972	Intro. & 1st Rdg.	4185
		Other Action	4038	2226	
2213		Intro. & 1st Rdg.	3972	Intro. & 1st Rdg.	4186
		Other Action	4038	2227	
2214		Intro. & 1st Rdg.	3972	Intro. & 1st Rdg.	4186
		Committee Report	4187	2228	
		2nd Rdg. Amendments	4190	Intro. & 1st Rdg.	4186
		3rd Rdg. Final Passage	4191, 4255	2229	
		Other Action	4188, 4235,	Intro. & 1st Rdg.	4218
			4255, 4292, 4323	2230	
		Action by Gov.	4743	Intro. & 1st Rdg.	4219
			Partial Veto C 26 E1	2231	
2215		Intro. & 1st Rdg.	4033	Intro. & 1st Rdg.	4220
		Committee Report	4187	2nd Rdg. Amendments	4235
2216				3rd Rdg. Final Passage	4236
				Other Action	4230, 4235,
					4292, 4322, 4323
				Action by Gov.	4722
					C 6 E1
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				Intro. & 1st Rdg.	4220
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				2234	
				Intro. & 1st Rdg.	4221
				2235	
				Intro. & 1st Rdg.	4229
				2nd Rdg. Amendments	4268
				3rd Rdg. Final Passage	4273, 4433
				Other Action	4259, 4432,
					4585, 4590
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2237
Intro. & 1st Rdg. 4260
2nd Rdg. Amendments 4416
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Other Action 4274, 4415,
4589, 4681, 4684
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2238
Intro. & 1st Rdg. 4260

2239
Intro. & 1st Rdg. 4260

2240
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2nd Rdg. Amendments 4325
3rd Rdg. Final Passage 4325
Other Action 4274, 4325, 4688

2241
Intro. & 1st Rdg. 4261
Other Action 4274, 4687

2242
Intro. & 1st Rdg. 4274
2nd Rdg. Amendments 4326
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Other Action 4274, 4326,
4415, 4585, 4590
Action by Gov. 4722
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2243
Intro. & 1st Rdg. 4388, 4684

2244
Intro. & 1st Rdg. 4388, 4684

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4002		4015	
Intro. & 1st Rdg.	90	Intro. & 1st Rdg.	406
4003		Committee Report	664
Intro. & 1st Rdg.	211	2nd Rdg. Amendments	1417
4004		3rd Rdg. Final Passage	1417
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Other Action	2343, 2814, 3319	2nd Rdg. Amendments	1253
4005		3rd Rdg. Final Passage	1253
Intro. & 1st Rdg.	248	Other Action	2615, 2814, 3319
Committee Report	459	4017	
2nd Rdg. Amendments	583	Intro. & 1st Rdg.	511
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4006		Other Action	532, 583, 3929
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4007		Intro. & 1st Rdg.	526
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4008		Intro. & 1st Rdg.	645
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3rd Rdg. Final Passage	1211	3rd Rdg. Final Passage	756
Other Action	2259, 2814, 3319	Other Action	1075, 1315, 1445
4009		4021	
Intro. & 1st Rdg.	355	Intro. & 1st Rdg.	1202
4010		4022	
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Committee Report	738	4023	
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4010 (Sub)		4024	
2nd Rdg. Amendments	1415	Intro. & 1st Rdg.	4261, 4389, 4684
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Other Action	3929	Intro. & 1st Rdg.	4389
4011		Other Action	4390, 4687
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4200	Intro. & 1st Rdg.	34	Other Action	3322
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	2nd Rdg. Amendments	1195	Intro. & 1st Rdg.	232
	3rd Rdg. Final Passage	1195	4216	
	Other Action	3929	Intro. & 1st Rdg.	248
4201	Intro. & 1st Rdg.	35	Committee Report	641
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	3rd Rdg. Final Passage	423	4216 (Sub)	
	Other Action	3929	2nd Rdg. Amendments	1419
4202	Intro. & 1st Rdg.	35	3rd Rdg. Final Passage	1419
	Committee Report	664	Other Action	3929
	2nd Rdg. Amendments	1418	4217	
	3rd Rdg. Final Passage	1418	Intro. & 1st Rdg.	248
	Other Action	3929	4218	
4203	Intro. & 1st Rdg.	70	Intro. & 1st Rdg.	316
4204	Intro. & 1st Rdg.	127	Committee Report	641
4205	Intro. & 1st Rdg.	127	2nd Rdg. Amendments	1467
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	2nd Rdg. Amendments	809	Other Action	3250, 3327
4205 (Sub)	2nd Rdg. Amendments	809	4219	
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	Other Action	3929	4220	
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4207	Intro. & 1st Rdg.	147	4221	
	Committee Report	1074	Intro. & 1st Rdg.	317
4208	Intro. & 1st Rdg.	147	Committee Report	642
	Committee Reports	185	2nd Rdg. Amendments	1419
	2nd Rdg. Amendments	273	4221 (Sub)	
	3rd Rdg. Final Passage	273	2nd Rdg. Amendments	1419
	Other Action	3929	3rd Rdg. Final Passage	1420
4209	Intro. & 1st Rdg.	147	Other Action	2615, 3250, 3327
4210	Intro. & 1st Rdg.	173	4222	
	Committee Report	344	Intro. & 1st Rdg.	336
4211	Intro. & 1st Rdg.	173	4223	
	Committee Report	1074	Intro. & 1st Rdg.	454
	2nd Rdg. Amendments	1546	4224	
	3rd Rdg. Final Passage	1547	Intro. & 1st Rdg.	454
	Other Action	1545	4225	
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4213	Intro. & 1st Rdg.	201	4226	
4214	Intro. & 1st Rdg.	201	Intro. & 1st Rdg.	475
			Committee Report	642
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			Intro. & 1st Rdg.	526
			Committee Report	562
			2nd Rdg. Amendments	1644
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			2nd Rdg. Amendments	1644
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			4230	
			Intro. & 1st Rdg.	1801
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			Intro. & 1st Rdg.	4261

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4400	Intro. & 1st Rdg.	35	Intro. & 1st Rdg.	2555
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	3rd Rdg. Final Passage	36	Intro. & 1st Rdg.	2555
	Other Action	36, 45, 55	2nd Rdg. Amendments	4196
4401			3rd Rdg. Final Passage	4197
	Intro. & 1st Rdg.	35	Other Action	4189, 4688
	2nd Rdg. Amendments	35	4417	
	3rd Rdg. Final Passage	35	Intro. & 1st Rdg.	2555
	Other Action	35, 37, 45, 55	4418	
4402			Intro. & 1st Rdg.	2556
	Intro. & 1st Rdg.	90	2nd Rdg. Amendments	3321
	2nd Rdg. Amendments	91	3rd Rdg. Final Passage	3322
	3rd Rdg. Final Passage	91	Other Action	3321, 3893, 3919, 3920
	Other Action	111, 163, 186	4419	
4403			Intro. & 1st Rdg.	3920
	Intro. & 1st Rdg.	147	2nd Rdg. Amendments	3920
	2nd Rdg. Amendments	148	3rd Rdg. Final Passage	3920
	3rd Rdg. Final Passage	148	Other Action	3923, 3929
	Other Action	186, 214, 252	4420	
4404			Intro. & 1st Rdg.	3920
	Intro. & 1st Rdg.	147	2nd Rdg. Amendments	3921
4405			3rd Rdg. Final Passage	3921
	Intro. & 1st Rdg.	148	Other Action	3923
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4406			Intro. & 1st Rdg.	3961
	Intro. & 1st Rdg.	186	2nd Rdg. Amendments	3961
	2nd Rdg. Amendments	186	3rd Rdg. Final Passage	3961
	3rd Rdg. Final Passage	187, 214	Other Action	3961, 3963, 3964
	Other Action	214, 274, 278	4422	
4407			Intro. & 1st Rdg.	4221
	Intro. & 1st Rdg.	201	2nd Rdg. Amendments	4221
4408			3rd Rdg. Final Passage	4222, 4433
	Intro. & 1st Rdg.	249, 264, 28, 2976	Other Action	4433, 4585, 4590
	2nd Rdg. Amendments	297	4423	
	3rd Rdg. Final Passage	298	Intro. & 1st Rdg.	4685
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4409			3rd Rdg. Final Passage	4687
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4410				
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	Committee Report	664		
4411				
	Intro. & 1st Rdg.	475		
4412				
	Intro. & 1st Rdg.	1801		
	2nd Rdg. Amendments	4414		
	3rd Rdg. Final Passage	4414		
	Other Action	4260, 4414, 4589, 4681, 4684		
4413				
	Intro. & 1st Rdg.	2281		
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4415				

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4600 House rules adopted	Adopted	348
Introduced	8	
Adopted	23	
Other Action	107	
4601 House organized		
Introduced	31	
Adopted	31	
4603 Reardan High B-11 champions		
Adopted	*	
4604 Almira-Coulee-Hartline		
Adopted	*	
4605 Permanent rules		
Introduced	107	
Adopted	108	
Other Action	108	
4606 Dr. Martin Luther King, Jr.		
Introduced	108	
Adopted	109	
4607 Tumwater T Birds recognized		
Introduced	252	
Adopted	253	
4609 Curtiss High football team		
Introduced	348	
Adopted	349	
4610 State MIA's in Persian Gulf		
Adopted	*	
4612 "Charlie" Marsh honored		
Introduced	277	
Adopted	277	
4613 Evergrn state society endrsd		
Adopted	*	
4614 Desert Shield/Storm prtcpnts		
Introduced	215	
Adopted	220	
4615 Honoring Val Saint		
Introduced	305	
Adopted	306	
4616 Washington Dairy Industry		
Introduced	267	
Adopted	268	
4617 Honoring women athletes		
Introduced	275	
Adopted	277	
4618 Eric Douglas Hedeem honored		
Adopted	*	
4619 Sumner Centennial		
Adopted	*	
4620 Seattle University Cntennial		
Introduced	327	
Adopted	328	
4621 Susan B. Anthony honored		
Introduced	396	
Adopted	397	
4623 Husky Rose Bowl Team		
Introduced	347	
Adopted	348	
4624 Flood volunteers recognized		
Introduced	399	
Adopted	399	
4625 Auburn Centennial honored		
Adopted	*	
4626 Mary DeBeer LaCocq honored		
Adopted	*	
4627 Legislative Fitness Day		
Introduced	426	
Adopted	427	
4628 Adna softball team		
Introduced	757	
Adopted	757	
4629 Future Farmers of America		
Introduced	503	
Adopted	503	
4630 Dancing honored		
Introduced	521	
Adopted	522	
4631 Credit union grassroots day		
Adopted	*	
4632 Olympia American Legion band		
Adopted	*	
4633 There Ought to be a Law prgm		
Introduced	581	
Adopted	582	
4634 Honoring El Centro de la Raza		
Introduced	1291	
Adopted	1292	
4635 Colfax High School honored		
Introduced	1313	
Adopted	1314	
4636 Persian Gulf troops honored		
Introduced	617	
Adopted	618	
4637 James Pierre honored		
Introduced	670	
Adopted	671	
4638 Bremerton veterans' memorial		
Introduced	747	
Adopted	748	
4639 Eatonville Cruisers		
Introduced	1210	
Adopted	1211	
4640 Persian Gulf casualties		
Introduced	748	
Adopted	749	
4641 Natl Women's Month recognzd		
Introduced	1251	
Adopted	1252	
4642 Washington National Guard		
Introduced	792	
Adopted	794	
4643 Review Club of Aberdeen		

* - Adopted by Committee on Rules

Introduced	792	Adopted	2308
Adopted	792	4665 Charles R. Johnson honored	
4644 Bremerton No. 1 City		Introduced	2262
Introduced	1352	Adopted	2263
Adopted	1353	4666 Benefits of bicycling	
4645 School paraprofessional day		Introduced	2973
Adopted	*	Adopted	2974
4646 Battle Ground Tigers		4667 Danny Boy race car team	
Adopted	*	Introduced	2343
4647 Outstanding tree farmer		Adopted	2344
Introduced	1749	4668 Bravo Company honored	
Adopted	1749	Introduced	2344
4648 Medal of Honor Society		Adopted	2345
Introduced	1752	4669 Debble Armstrong Challenge	
Adopted	1753	Introduced	2642
4649 Lynden high school basketball		Adopted	2643
Adopted	*	4672 Spain/Mexico PNW exploration	
4650 Lynden Christian basketball		Introduced	2338
Adopted	*	Adopted	2340
4651 Auburn Girls' Basketball		4673 WA State Games Foundation	
Introduced	1433	Introduced	2616
Adopted	1434	Adopted	2616
4652 Immunex Corp recognized		4674 Student scholars	
Adopted	*	Introduced	2616
4653 Tekoa-Oakesdale Girls Hoops		Adopted	2617
Adopted	*	4675 Widbey Island Naval Air Stat	
4654 Arthur L. Dussault, S.J.		Introduced	2340
Introduced	1590	Adopted	2341
Adopted	1591	4677 Derek S. Miller Family	
4655 Honoring MIA Richard Storr		Adopted	*
Adopted	*	4678 Almlra/Coulee-Hartline team	
4656 Marysville centennial		Introduced	3258
Introduced	1778	Adopted	3259
Adopted	1778	4679 Earth Day	
4657 Garfield High School		Introduced	2787
Introduced	1761	Adopted	2788
Adopted	1762	4680 Evergreen Middle School	
4658 Samoan flag day		Introduced	3477
Introduced	2447	Adopted	3478
Adopted	2447	4682 Science Teachers/honor roll	
4659 John D. Richmond recognized		Introduced	2473
Introduced	2261	Adopted	2474
Adopted	2262	4683 Pictorial Map Contest	
4660 "Exercise Tiger"		Introduced	2473
Introduced	2259	Adopted	2473
Adopted	2260	4685 Wilkes Expedition Day	
4661 Arbor Day		Introduced	3320
Introduced	2260	Adopted	3321
Adopted	2261	4687 Central WA Univ. centennial	
4662 Mt. Vernon basketball team		Introduced	3068
Introduced	2478	Adopted	3069
Adopted	2479	4688 Lacey post office centennial	
4663 Mike Lude & family recognized		Introduced	3476
Introduced	2474	Adopted	3477
Adopted	2475	4690 Volunteer recognition week	
4664 Philippine children's fund		Introduced	3147
Introduced	2308	Adopted	3148

* - Adopted by Committee on Rules

4691 Lt. Col. Clifford Acree honored		4719 Honoring Adele Ferguson	
Introduced	3108	Introduced	4682
Adopted	3109	Adopted	4683
4692 Organizations to end hunger			
Introduced	4228		
Adopted	4229		
4694 Interim House business			
Introduced	3921		
Adopted	3923		
4700 Staff recognition			
Introduced	3916		
Adopted	3916		
4701 Pages recognized			
Introduced	3917		
Adopted	3917		
4703 House organized			
Introduced	3959		
Adopted	3959		
4704 John Gott honored			
Adopted	3973		
Introduced	3972		
4705 UW-Tacoma branch graduates			
Introduced	4035		
Adopted	4036		
4706 Riverside school district			
Introduced	4036		
Adopted	4036		
4707 Katherine Pullen honored			
Introduced	4217		
Adopted	4218		
4708 Spokane Chiefs hockey team			
Introduced	4198		
Adopted	4199		
4709 Centralia H.S. girls softball			
Introduced	4222		
Adopted	4223		
4710 Electric/magnetic fields			
Introduced	4218		
Adopted	4218		
4711 Pat Roberts-Dempsey honored			
Introduced	4226		
Adopted	4227		
4712 Honoring Michael Germeau			
Introduced	4223		
Adopted	4224		
4713 Honoring David E. Fish			
Introduced	4224		
Adopted	4224		
4714 Self-esteem/soc responsibility			
Introduced	4434		
Adopted	4436		
4716 Leadership Redmond Program			
Introduced	4318		
Adopted	4319		
4718 Natl Conf Uniform state law			
Introduced	4587		
Adopted	4588		

* - Adopted by Committee on Rules

HISTORY OF SENATE BILLS

5003 (Sub)

Intro. & 1st Rdg.	1560
Committee Report	1794
2nd Rdg. Amendments	2294
3rd Rdg. Final Passage	2295
Other Action	1549, 2294, 2343, 2479
	C 40

Other Action	1279, 2295, 2950, 3107, 3250
	C 255

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Committee Report	1804
2nd Rdg. Amendments	2482
3rd Rdg. Final Passage	2483
Other Action	2735, 2812
Intro. & 1st Rdg.	372
Other Action	365
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Intro. & 1st Rdg.	436
Committee Report	1803
2nd Rdg. Amendments	2345, 2355
3rd Rdg. Final Passage	2355
Other Action	428, 2345, 2436, 3056
	C 59

5025 (2nd Sub)

Intro. & 1st Rdg.	1280
Committee Report	1804, 2211
2nd Rdg. Amendments	2295, 3316, 3596
3rd Rdg. Final Passage	2296, 3317, 3597
Other Action	1279, 3316, 3596, 3773, 3918, 3919
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5008 (Sub)

Intro. & 1st Rdg.	336
Committee Report	1782, 2209
2nd Rdg. Amendments	2439
3rd Rdg. Final Passage	2440
Other Action	329, 2439, 2446, 3056
	C 251

5027 (Sub)

Intro. & 1st Rdg.	336
Committee Report	1814
2nd Rdg. Amendments	2483
3rd Rdg. Final Passage	2483
Other Action	329, 2735, 2812
	C 71

5009

Intro. & 1st Rdg.	317
Committee Report	1765
Other Action	307, 3929

5010 (Sub)

Intro. & 1st Rdg.	1349
Committee Report	1803, 2210
2nd Rdg. Amendments	2454
3rd Rdg. Final Passage	2454, 3614
Other Action	1348, 2454, 3255, 3614, 3774, 3775
	C 233

5030 (Sub)

Intro. & 1st Rdg.	595
Committee Report	1754
2nd Rdg. Amendments	2278
3rd Rdg. Final Passage	2278
Other Action	593, 2278, 2303, 2479
	C 38

5015

Intro. & 1st Rdg.	511
Committee Report	1795
2nd Rdg. Amendments	2482
3rd Rdg. Final Passage	2482
Other Action	509, 2482, 2735, 2812
	C 69

5031 (Sub)

Intro. & 1st Rdg.	317
Committee Report	1754
Other Action	307, 3929

5036

Intro. & 1st Rdg.	622
Committee Report	1755
2nd Rdg. Amendments	2204
3rd Rdg. Final Passage	2204
Other Action	619, 2258, 2292
	C 17

5018

Intro. & 1st Rdg.	621
Committee Report	1803
Other Action	619, 3929

5020 (Sub)

Intro. & 1st Rdg.	372
Other Action	365, 3929

5037

Intro. & 1st Rdg.	336
Committee Report	1815
Other Action	329, 3929

5022 (2nd Sub)

Intro. & 1st Rdg.	1280
Committee Report	1804, 2210
2nd Rdg. Amendments	2477
3rd Rdg. Final Passage	2477

5041

Intro. & 1st Rdg.	317
Committee Report	1782
2nd Rdg. Amendments	2424
3rd Rdg. Final Passage	2424

Other Action	307, 2436, 3056, 3250 C 95	2nd Rdg. Amendments	2484
5042		3rd Rdg. Final Passage	2484
Intro. & 1st Rdg.	1550	Other Action	509, 2735, 2813 C 260
Committee Report	1815	5055 (Sub)	
2nd Rdg. Amendments	2637	Intro. & 1st Rdg.	622
3rd Rdg. Final Passage	2638	Other Action	619, 3929
Other Action	1548, 2484, 2637, 2812, 2951 C 53	5062 (Sub)	
5043		Intro. & 1st Rdg.	1159
Intro. & 1st Rdg.	740	Other Action	1158, 3929
Committee Report	1815	5063	
2nd Rdg. Amendments	2438	Intro. & 1st Rdg.	1560
3rd Rdg. Final Passage	2439	Other Action	1549, 3929
Other Action	739, 2950, 3107, 3250 C 186	5067	
5045 (Sub)		Intro. & 1st Rdg.	512
Intro. & 1st Rdg.	511	Other Action	509, 3929
Committee Report	1782	5068	
2nd Rdg. Amendments	2204, 2638	Intro. & 1st Rdg.	336
3rd Rdg. Final Passage	2640	Other Action	329, 3929
Other Action	509, 2205, 2638, 2813, 2951 C 134	5069 (Sub)	
5047		Intro. & 1st Rdg.	526
Intro. & 1st Rdg.	317	Other Action	523, 3930
Committee Report	1743	5070 (Sub)	
2nd Rdg. Amendments	2205	Intro. & 1st Rdg.	1739
3rd Rdg. Final Passage	2205	Committee Report	1817
Other Action	307, 2258, 3056 C 62	Other Action	1738, 3930
5049		5072 (Sub)	
Intro. & 1st Rdg.	511	Intro. & 1st Rdg.	4389, 4685
Committee Report	1783	Other Action	4258, 4688
2nd Rdg. Amendments	2206	5075	
3rd Rdg. Final Passage	2206, 3636	Intro. & 1st Rdg.	318
Other Action	509, 3252, 3474, 3615, 3632, 3679, 3918, 3919 C 292	Committee Report	1817
5050		2nd Rdg. Amendments	2250
Intro. & 1st Rdg.	436	3rd Rdg. Final Passage	2250
Committee Report	1816	Other Action	307, 2950, 3107, 3251 Vetoed
Other Action	428, 3929	5077	
5052 (Sub)		Intro. & 1st Rdg.	526
Intro. & 1st Rdg.	740	Committee Report	1818
Committee Report	1816	2nd Rdg. Amendments	2424
2nd Rdg. Amendments	2693	3rd Rdg. Final Passage	2425
3rd Rdg. Final Passage	2697	Other Action	523, 2436, 3056 C 188
Other Action	739, 2693, 2813, 2951 Vetoed	5082 (Sub)	
5053		Intro. & 1st Rdg.	372
Intro. & 1st Rdg.	512	Committee Report	1818
Committee Report	1816	2nd Rdg. Amendments	2504
		3rd Rdg. Final Passage	2505
		Other Action	365, 2504, 3079, 3574, 3676 Partial Veto C 362
		5083 (2nd Sub)	
		Intro. & 1st Rdg.	1159
		Committee Report	1818
		2nd Rdg. Amendments	2455
		3rd Rdg. Final Passage	2455
		Other Action	1158, 2950, 3107, 3251 Vetoed

5086 (Sub)		Committee Report	1769
Intro. & 1st Rdg.	773	2nd Rdg. Amendments	2251
Committee Report	1819	3rd Rdg. Final Passage	2252
Other Action	772, 1779, 3930	Other Action	750, 3079, 3574, 3676
5090 (Sub)			C 227
Intro. & 1st Rdg.	751	5109	
Committee Report	1786	Intro. & 1st Rdg.	318
2nd Rdg. Amendments	2207	Other Action	307, 3930
3rd Rdg. Final Passage	2207	5110 (Sub)	
Other Action	750, 2258, 2292	Intro. & 1st Rdg.	1349
	C 14	2nd Rdg. Amendments	3738
5092 (Sub)		3rd Rdg. Final Passage	3741
Intro. & 1st Rdg.	1076	Other Action	1348, 3717, 3918, 3919
Other Action	1075, 3930		C 203
5096 (2nd Sub)		5111	
Intro. & 1st Rdg.	1280	Intro. & 1st Rdg.	436
Committee Report	1824	Committee Report	1828
2nd Rdg. Amendments	2505	2nd Rdg. Amendments	2506
3rd Rdg. Final Passage	2506, 3892	3rd Rdg. Final Passage	2507, 3255
Other Action	1279, 3254, 3318, 3547, 3892, 3918, 3919	Other Action	428, 3254, 3574, 3676
	C 280		C 133
5097 (Sub)		5114 (Sub)	
Intro. & 1st Rdg.	622	Intro. & 1st Rdg.	1280
Other Action	619, 3930	Committee Report	1787, 2211
5098 (Sub)		2nd Rdg. Amendments	2440
Intro. & 1st Rdg.	740	3rd Rdg. Final Passage	2440
Committee Report	1825	Other Action	1279, 2950, 3107, 3251
Other Action	739, 3930		C 166
5103		5116 (Sub)	
Intro. & 1st Rdg.	1159	Intro. & 1st Rdg.	752
Committee Report	1786	Committee Report	1787
2nd Rdg. Amendments	2207	2nd Rdg. Amendments	2306
3rd Rdg. Final Passage	2208	3rd Rdg. Final Passage	2306
Other Action	1158, 2258, 2292	Other Action	750, 2208, 2306, 3930
	C 19	5120 (2nd Sub)	
5104		Intro. & 1st Rdg.	1281
Intro. & 1st Rdg.	337	Committee Report	1829
Committee Report	1768	2nd Rdg. Amendments	2515
2nd Rdg. Amendments	2279	3rd Rdg. Final Passage	2555
3rd Rdg. Final Passage	2279	Other Action	1279, 2507, 3079, 3574, 3676
Other Action	329, 2950, 3107, 3251		Partial Veto C 367
	Vetoed	5121 (Sub)	
5106 (Sub)		Intro. & 1st Rdg.	1202
Intro. & 1st Rdg.	751	Committee Report	1837, 2212
Committee Report	1756	2nd Rdg. Amendments	2425
2nd Rdg. Amendments	2251	3rd Rdg. Final Passage	2427
3rd Rdg. Final Passage	2251	Other Action	1200, 3678, 3930
Other Action	750, 2284, 2292	5124 (2nd Sub)	
	C 22	Intro. & 1st Rdg.	1739
5107		Committee Report	1845
Intro. & 1st Rdg.	526	2nd Rdg. Amendments	2296
Committee Report	1828	3rd Rdg. Final Passage	2296
2nd Rdg. Amendments	2456	Other Action	1738, 2343, 3056
3rd Rdg. Final Passage	2456		C 334
Other Action	523, 2481, 3056		
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5108 (Sub)			
Intro. & 1st Rdg.	752		

5126 (Sub)		3107, 3251
Intro. & 1st Rdg.	595	
Other Action	593, 3930	Partial Veto C 269
5127 (2nd Sub)		
Intro. & 1st Rdg.	1349	
Committee Report	1846	
2nd Rdg. Amendments	2507	
3rd Rdg. Final Passage	2507	
Other Action	1348, 2735, 2813	4041, 4230, 4259,
	C 127	4262, 4418, 4434, 4585
		Partial Veto C 18 E1
5128 (Sub)		
Intro. & 1st Rdg.	1550	
Committee Report	1846	
2nd Rdg. Amendments	2430	
3rd Rdg. Final Passage	2431	
Other Action	1548, 2430,	
	2446, 3056	
	C 147	
5130 (Sub)		
Intro. & 1st Rdg.	1281	
Other Action	1279, 3930	
5135		
Intro. & 1st Rdg.	1560	
Other Action	1549, 3930	
5139		
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Other Action	1158, 3930	
5140		
Intro. & 1st Rdg.	1076	
Other Action	1075, 3930	
5141		
Intro. & 1st Rdg.	337	
Committee Report	1846	
2nd Rdg. Amendments	2429	
3rd Rdg. Final Passage	2429	
Other Action	329, 2429,	
	2446, 3056	
	C 344	
5143 (2nd Sub)		
Intro. & 1st Rdg.	1550	
Committee Report	1846, 2214	
2nd Rdg. Amendments	2430, 2499	
3rd Rdg. Final Passage	2500	
Other Action	1548, 2430,	
	2950, 3107, 3251	
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5147		
Intro. & 1st Rdg.	1550	
Committee Report	1853	
2nd Rdg. Amendments	2508	
3rd Rdg. Final Passage	2509, 3580	
Other Action	1548, 3253,	
	3474, 3580, 3653, 3775	
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5148		
Intro. & 1st Rdg.	740	
Committee Report	1853	
2nd Rdg. Amendments	2456	
3rd Rdg. Final Passage	2457	
Other Action	739, 2950,	
5149 (Sub)		
Intro. & 1st Rdg.	2203, 4186	
2nd Rdg. Amendments	4262	
3rd Rdg. Final Passage	4268	
Other Action	2202, 3930,	
	4041, 4230, 4259,	
	4262, 4418, 4434, 4585	
	Partial Veto C 18 E1	
5150		
Intro. & 1st Rdg.	1561, 4186	
Other Action	1549, 3930,	
	4041, 4688	
5151		
Intro. & 1st Rdg.	752	
Other Action	750, 3930	
5156 (Sub)		
Intro. & 1st Rdg.	1561	
Committee Report	1854	
2nd Rdg. Amendments	2665	
3rd Rdg. Final Passage	2667	
Other Action	1549, 2441,	
	2950, 3107, 3251	
	C 178	
5158 (Sub)		
Intro. & 1st Rdg.	1739	
Other Action	1738, 3930	
5167 (2nd Sub)		
Intro. & 1st Rdg.	1551	
Committee Report	1854	
2nd Rdg. Amendments	2277	
3rd Rdg. Final Passage	2277, 3618	
Other Action	1548, 2277,	
	3252, 3475, 3618,	
	3679, 3918, 3919	
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5170		
Intro. & 1st Rdg.	773	
Committee Report	1855	
2nd Rdg. Amendments	2254	
3rd Rdg. Final Passage	2254, 3582	
Other Action	772, 2254,	
	3211, 3256, 3320,	
	3581, 3653, 3775	
	Partial Veto C 338	
5174 (Sub)		
Intro. & 1st Rdg.	1561	
Committee Report	1856	
Other Action	1549, 3930	
5180 (Sub)		
Intro. & 1st Rdg.	773	
Other Action	772, 3930	
5181 (2nd Sub)		
Intro. & 1st Rdg.	1561	
Committee Report	1859	
Other Action	1549, 2509,	
	2736, 3930	
5184 (Sub)		
Intro. & 1st Rdg.	1561	

Committee Report	1860	Committee Report	1769
2nd Rdg. Amendments	2653, 3559	2nd Rdg. Amendments	2243
3rd Rdg. Final Passage	2656, 3561	3rd Rdg. Final Passage	2243
Other Action	1549, 3255, 3559, 3575, 3918, 3919	Other Action	549, 2243, 2284, 2292
	C 238		C 21
5185 (Sub)		5220	
Intro. & 1st Rdg.	1160	Intro. & 1st Rdg.	741
Other Action	1158, 3930	Committee Report	1756
5188 (Sub)		2nd Rdg. Amendments	2279
Intro. & 1st Rdg.	1740	3rd Rdg. Final Passage	2280
Committee Report	1908	Other Action	739, 2303, 2479
2nd Rdg. Amendments	2509		C 46
3rd Rdg. Final Passage	2510	5221	
Other Action	1738, 3216, 3545, 3568, 3930	Intro. & 1st Rdg.	406
5190		Committee Report	1756
Intro. & 1st Rdg.	1160	2nd Rdg. Amendments	2280
Committee Report	1756	3rd Rdg. Final Passage	2280
2nd Rdg. Amendments	2208	Other Action	398, 2303, 2479
3rd Rdg. Final Passage	2208		C 41
Other Action	1158, 2258, 3057	5225 (Sub)	
	C 66	Intro. & 1st Rdg.	512
5193 (Sub)		Other Action	509, 3930
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Other Action	1279, 3930	Intro. & 1st Rdg.	741
5195		Committee Report	1913
Other Action	3930	2nd Rdg. Amendments	2458
Intro. & 1st Rdg.	162	3rd Rdg. Final Passage	2459
Other Action	149	Other Action	739, 2950, 3107, 3251
5199 (Sub)			C 225
Intro. & 1st Rdg.	1160	5237 (Sub)	
Other Action	1158, 3930	Intro. & 1st Rdg.	1160
5202 (Sub)		Committee Report	1913
Intro. & 1st Rdg.	1281	Other Action	1158, 3930
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2nd Rdg. Amendments	2640	Intro. & 1st Rdg.	622
3rd Rdg. Final Passage	2641, 2647	Committee Report	1914
Other Action	1279, 2510, 2640, 2647, 3211, 3256, 3555, 3579, 3930	Other Action	619, 3930
5203 (Sub)		5243	
Intro. & 1st Rdg.	1160	Intro. & 1st Rdg.	436
Other Action	1158, 3930	Other Action	428, 3930
5204 (Sub)		5245 (Sub)	
Intro. & 1st Rdg.	1160	Intro. & 1st Rdg.	2556
Committee Report	1795	2nd Rdg. Amendments	2637
2nd Rdg. Amendments	2457	3rd Rdg. Final Passage	2637
3rd Rdg. Final Passage	2457	Other Action	2446, 2556, 2637, 2813, 2951
Other Action	1158, 2950, 3107, 3251		C 201
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5209		Intro. & 1st Rdg.	622
Intro. & 1st Rdg.	741	Committee Report	1770, 2214
Other Action	739, 3930	2nd Rdg. Amendments	2460
5213		3rd Rdg. Final Passage	2460
Intro. & 1st Rdg.	741	Other Action	619, 2460, 2950, 3107, 3251
Other Action	739, 3930		Partial Veto C 226
5219		5260 (Sub)	
Intro. & 1st Rdg.	550	Intro. & 1st Rdg.	1161
		Committee Report	1788

2nd Rdg. Amendments	2502, 2514	5290	
3rd Rdg. Final Passage	2515	Intro. & 1st Rdg.	1281
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5261 (Sub)		Other Action	1279, 2735, 2813
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2nd Rdg. Amendments	2461	Intro. & 1st Rdg.	1740
3rd Rdg. Final Passage	2462	Committee Report	1917
Other Action	1158, 2950,	2nd Rdg. Amendments	2255
	3107, 3251	3rd Rdg. Final Passage	2255
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5263 (Sub)			3107, 3251
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5264		Intro. & 1st Rdg.	752
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3rd Rdg. Final Passage	2511	Other Action	1279, 1779, 3930
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	3107, 3251	Intro. & 1st Rdg.	1161
	C 179	Committee Report	1918, 2215
5266 (Sub)		2nd Rdg. Amendments	2470, 2494
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	3214, 3574, 3676	Intro. & 1st Rdg.	752
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5269 (Sub)		5303 (Sub)	
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5275		Intro. & 1st Rdg.	1202
Intro. & 1st Rdg.	622	Committee Report	1919
Other Action	619, 3930	Other Action	1200, 3930
5276 (Sub)		5309 (Sub)	
Intro. & 1st Rdg.	1161	Intro. & 1st Rdg.	286
Committee Report	1770	Other Action	278, 3930
2nd Rdg. Amendments	2243	5310	
3rd Rdg. Final Passage	2244	Intro. & 1st Rdg.	595
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5277		Intro. & 1st Rdg.	753
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Other Action	750, 3930	2nd Rdg. Amendments	2244
5278 (2nd Sub)		3rd Rdg. Final Passage	2244
Intro. & 1st Rdg.	1562	Other Action	750, 2303, 2479
Other Action	1549, 1779, 3930		C 45
5288 (Sub)		5318 (Sub)	
Intro. & 1st Rdg.	1161	Intro. & 1st Rdg.	753, 4186
Committee Report	1770	Committee Report	1919
2nd Rdg. Amendments	2281	2nd Rdg. Amendments	2256
3rd Rdg. Final Passage	2352	3rd Rdg. Final Passage	2256
Other Action	1158, 2436, 3057	Other Action	750, 3930,
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Intro. & 1st Rdg.	1551	Other Action	1200, 2284, 2292
Other Action	1548, 3930		C 18
5322 (Sub)		5358 (2nd Sub)	
Intro. & 1st Rdg.	1076	Intro. & 1st Rdg.	1551
Committee Report	1795	Committee Report	1930
2nd Rdg. Amendments	2285	2nd Rdg. Amendments	2716
3rd Rdg. Final Passage	2285	3rd Rdg. Final Passage	2718
Other Action	1075, 2284, 2343, 3057	Other Action	1548, 2716, 3079, 3574, 3676
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5329 (Sub)		5359 (Sub)	
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Other Action	1549, 3931	Committee Report	2215
5332 (Sub)		2nd Rdg. Amendments	2512
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Committee Report	1920	Other Action	1548, 2736, 2813
2nd Rdg. Amendments	2624		C 278
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Other Action	1075, 2619, 3079, 3574, 3676	Intro. & 1st Rdg.	1203
	C 204	Committee Report	1931
5341 (2nd Sub)		2nd Rdg. Amendments	2293
Intro. & 1st Rdg.	1551	3rd Rdg. Final Passage	2294
Committee Report	1922	Other Action	1200, 2950, 3107, 3251
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5342 (Sub)		5367	
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Committee Report	1923	Committee Report	1757
Other Action	1279, 3931	2nd Rdg. Amendments	2263
5343 (Sub)		3rd Rdg. Final Passage	2264
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Committee Report	1924	Other Action	329, 3931
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5346 (Sub)		Intro. & 1st Rdg.	1563
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5347 (2nd Sub)		Other Action	1549, 2462, 2481, 3057
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5350 (Sub)		Other Action	1279, 3931
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Committee Report	1929	Intro. & 1st Rdg.	1563
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5351		5381 (Sub)	
Intro. & 1st Rdg.	550	Intro. & 1st Rdg.	1203
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5357 (Sub)		2nd Rdg. Amendments	2264
Intro. & 1st Rdg.	1202	3rd Rdg. Final Passage	2264
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2nd Rdg. Amendments	2257		C 47
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5383 (Sub)	Other Action	1200, 3931
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2nd Rdg. Amendments	2245	
3rd Rdg. Final Passage	2245	
Other Action	1200, 2284, 2292	
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5389	Intro. & 1st Rdg.	406
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5391	Intro. & 1st Rdg.	1203
	Committee Report	1771
	2nd Rdg. Amendments	2285
	3rd Rdg. Final Passage	2286
	Other Action	1200, 2343, 2479
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5395 (Sub)	Intro. & 1st Rdg.	2284, 4037
	Committee Report	2556
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	3rd Rdg. Final Passage	2720, 4037
	Other Action	2284, 2614, 3774, 3931, 4039
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5411 (Sub)	Intro. & 1st Rdg.	1162
	Committee Report	1938
	2nd Rdg. Amendments	2703, 2720, 3775
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	Other Action	1158, 2265, 2703, 2720, 3775, 3918, 3919
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5418 (Sub)	Intro. & 1st Rdg.	1203
	Committee Report	1949, 2215
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	3rd Rdg. Final Passage	2644, 3696
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5424	Intro. & 1st Rdg.	1162
	Other Action	1158, 3931
5432	Intro. & 1st Rdg.	1740
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	Other Action	1738, 3931
5434	Intro. & 1st Rdg.	1203
	Committee Report	1771
	2nd Rdg. Amendments	2297
	3rd Rdg. Final Passage	2297
	Other Action	1200, 2343, 2479
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5435 (Sub)	Intro. & 1st Rdg.	1204
	Other Action	1200, 3931
5438 (Sub)	Intro. & 1st Rdg.	1282
	Committee Report	1950
	Other Action	1279, 3931
5441	Intro. & 1st Rdg.	753
	Committee Report	1771
	2nd Rdg. Amendments	2463
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	Other Action	750, 1157, 2481, 3057
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5442	Intro. & 1st Rdg.	773
	Committee Report	1789
	2nd Rdg. Amendments	2286
	3rd Rdg. Final Passage	2287
	Other Action	772, 3150, 3574, 3676
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5444	Intro. & 1st Rdg.	1076, 4187
	Committee Report	1954
	2nd Rdg. Amendments	4197
	3rd Rdg. Final Passage	4197
	Other Action	1075, 3931, 4042, 4188, 4257, 4258
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5445 (Sub)	Intro. & 1st Rdg.	1551
	Other Action	1548, 3931
5449	Intro. & 1st Rdg.	1204
	Committee Report	1757
	2nd Rdg. Amendments	2617
	3rd Rdg. Final Passage	2618
	Other Action	1200, 2246, 2950, 3107, 3251
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5450 (Sub)	Intro. & 1st Rdg.	1204
	Committee Report	1772
	2nd Rdg. Amendments	2287
	3rd Rdg. Final Passage	2287
	Other Action	1200, 2343, 2479
	C 42	
5456 (Sub)	Intro. & 1st Rdg.	1282
	Committee Report	1955
	2nd Rdg. Amendments	2464
	3rd Rdg. Final Passage	2464
	Other Action	1279, 2950, 3107, 3251
	C 294	
5457 (Sub)	Intro. & 1st Rdg.	1552
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5458 (Sub)	Intro. & 1st Rdg.	1552,

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2nd Rdg. Amendments	2465	Committee Report	1967
3rd Rdg. Final Passage	2465	2nd Rdg. Amendments	2497
Other Action	1548, 3214,	3rd Rdg. Final Passage	2498
	3329, 3931, 4292, 4688	Other Action	1279, 2950, 3107, 3251
5465 (Sub)			C 298
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Committee Report	1960	Intro. & 1st Rdg.	1204
Other Action	1200, 3931	Committee Report	1797
5466 (Sub)		Other Action	1200, 3931
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Committee Report	1757	Intro. & 1st Rdg.	1077
2nd Rdg. Amendments	2265	Other Action	1075, 3931
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Other Action	750, 2950, 3107, 3251	Intro. & 1st Rdg.	1350
	C 189	Committee Report	1968
5473		2nd Rdg. Amendments	2691, 2698
Intro. & 1st Rdg.	1204	3rd Rdg. Final Passage	2698
Committee Report	1961	Other Action	1348, 2693, 2950, 3108, 3251
2nd Rdg. Amendments	2266		C 168
3rd Rdg. Final Passage	2266	5497 (Sub)	
Other Action	1200, 2950, 3107, 3251	Intro. & 1st Rdg.	1552
	C 187	Committee Report	1969
5474		2nd Rdg. Amendments	2267
Intro. & 1st Rdg.	1349	3rd Rdg. Final Passage	2267
Committee Report	1961	Other Action	1548, 2950, 3108, 3251
2nd Rdg. Amendments	2442, 2493		C 281
3rd Rdg. Final Passage	2494, 3689	5501 (Sub)	
Other Action	1348, 2444, 3545, 3570, 3687, 3893, 3918, 3919	Intro. & 1st Rdg.	1350
	Partial Veto C 235	Committee Report	1984
5475		2nd Rdg. Amendments	2297
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2nd Rdg. Amendments	2619, 2670		C 144
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Other Action	739, 2619, 2624, 2670, 3212, 3259, 3555, 3653, 3918, 3919	Intro. & 1st Rdg.	1282
	Partial Veto C 228	Committee Report	1772, 2217
5476		2nd Rdg. Amendments	2303
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	C 239	Committee Report	2217
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5520 (Sub)		Committee Report	1994, 2218
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5522		Committee Report	2001
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5524		Other Action	1348, 2446, 3057
Intro. & 1st Rdg.	1552		Partial Veto C 303
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5526 (Sub)		Intro. & 1st Rdg.	1741
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5528		3rd Rdg. Final Passage	4418
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5534 (2nd Sub)		Other Action	1158, 3931
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5536 (Sub)		Committee Report	2014
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5540 (Sub)		Other Action	1549, 2950, 3108, 3251
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3rd Rdg. Final Passage	2269	2nd Rdg. Amendments	2270
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5639 (Sub)		2nd Rdg. Amendments	2646
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5640		5670 (Sub)	
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5644 (Sub)		2nd Rdg. Amendments	2648
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5645 (Sub)		5672 (Sub)	
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2nd Rdg. Amendments	2289	2nd Rdg. Amendments	2272
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3rd Rdg. Final Passage	2434	2nd Rdg. Amendments	2346
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5661		2nd Rdg. Amendments	2667
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5667 (2nd Sub)			
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5720 (Sub)	
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Committee Report	1790
2nd Rdg. Amendments	2273
3rd Rdg. Final Passage	2274
Other Action	1201, 2951, 3108, 3251
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5721 (Sub)	
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5724 (2nd Sub)	
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Other Action	1549, 3932

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Intro. & 1st Rdg.	1564
Committee Report	2079
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3rd Rdg. Final Passage	2690
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5759 (Sub)	
Intro. & 1st Rdg.	1077
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5765 (Sub)	
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5766	
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5767	
Intro. & 1st Rdg.	1208
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5768 (Sub)	
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5770 (Sub)	
Intro. & 1st Rdg.	1564
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* - Passed Legislature; E1 - 1st Special Session

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* - Passed Legislature; E1 - 1st Special Session

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* - Passed Legislature; E1 - 1st Special Session

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 Candidate must reside in district or jurisdiction from which candidate elected: HB 1516
 Candidates' pamphlet, secretary of state to bill each candidate for prorated space in pamphlet: HB 1593
 Contributions: SHB 1434, HB 1445, HB 1640, SB 5424, SSB 5864, *HB 1312, CH 157
 Filing fees, candidate without sufficient assets to pay, review procedures: HB 1596, SB 5619
 Finance reporting requirements, revised provisions: HB 1699, SB 5150
 Political advertising undertaken as independent expenditure, required disclosures: SSB 5864

CANDIDATES (See CAMPAIGNS, ELECTIONS)

CATS (See ANIMALS)

CENTER FOR VOLUNTARY ACTION

"Serve Washington" pilot program created: HB 1148
 Citizen service, center activities and duties: HB 1147

CENTRAL WASHINGTON UNIVERSITY

Construction, appropriation for minor repairs and improvements: HB 1178
 Enrollment, state-funded enrollment level increased: HB 1319, HB 1549, SSB 5174
 Honorary degrees, authority to award, conditions: *HB 1143, CH 58

CHAPLAINS

Public hospital district employment: SHB 1651, SB 5241

CHARITABLE ORGANIZATIONS

Fund raising events, authorized to conduct: HB 1763, SB 5940
 Public safety-related organizations solicitation of charitable contributions, identification of caller, penalties: HB 2101
 Raffles, tax exemption on income not exceeding ten thousand dollars per year: *SHB 1931, CH 161

CHECK CASHING

Check cashers and sellers, licensing requirements: *HB 1487, CH 355

CHECKS

* - Passed Legislature; E1 - 1st Special Session

Dishonored checks: *SSB 5494, CH 168

Unauthorized signatures and alterations, time for reporting extended: *SB 5444, CH 19 E1

Uniform commercial code, revision relating to negotiable instruments and checks: HB 1964

CHILD ABUSE

Child protective services, duty to investigate complaints in preschools, nursery schools, and private kindergartens: HB 1393

Community-based family support center program: SHB 1714

Council for prevention of child abuse, funds from the sale of heirloom birth certificates: SHB 2084

Council on prevention of child abuse, family support centers, review, administration, and evaluation duties of council: HB 2083

Family violence pilot programs authorized: SHB 1882

Sexual abuse, clarification of the application of the statute of limitations: *SHB 2058, CH 212

Teacher certification, professional preparation program in child abuse: HB 1985

CHILD CARE (See DAY CARE)

CHILD SUPPORT

Family court and family court services expanded, revised provisions: SHB 2155

Food stamps, income exempted by federal law not to be considered in determining need or eligibility: HB 1152, SHB 1167, *2SSB 5568, CH 366

Guidelines, revised provisions: SHB 2188, *2SSB 5120, CH 367

Modification actions, filing, service, and response requirements, revised provisions: SHB 2154

Schedule, revised provisions: HB 2143, SHB 2188, *2SSB 5120, CH 367

Summons service by publication when defendant cannot be found: HB 1807

Support enforcement, orders, procedures, collection, payment, limitation on actions: SHB 1859

Veterans' disability pensions or compensation for military service disability to be disclosed to court: HB 1309

Wage assignment orders, revised provisions: SHB 2153

CHILDREN

Abuse reporting, requirements: *SHB 1054, CH 111

African-American at-risk youth in department of social and health services custody, three-step transitional treatment program: HB 1413

Alcohol and drug abuse, involuntary commitment for evaluation and treatment procedures: HB 1007, HB 1478

- Alcohol and drug abuse, treatment services for minors: SHB 1158
 Assessment of children in care to determine appropriate level of residential and treatment services: *SHB 1608, CH 326¹
 At-risk youth, drop-in to catch-up program: HB 1098
 At-risk youth, continuum of services pilot project, program requirements: HB 1418, *2SSB 5025, CH 364
 At-risk youth, family reconciliation act: HB 1923, SHB 1901
 At-risk youth, family support worker program in schools established: SHB 1543
 At-risk youth, self-supporting motivation or retention programs: HB 1374
 Background checks on out-of-state applicants for positions with unsupervised access to children, national criminal history search authorized: HB 2146
 Child care wage enhancement grant program established: HB 1566
 Children's services ombuds, powers and duties: HB 1537
 Collection and reporting of data on children's education and well-being, task force: *SB 5474, CH 235
 Community mobilization program for teens, funding and coordination of projects: SHB 1390
 Crimes against: HB 1758, SB 5275, SSB 5346, *SHB 1534, CH 267
 Crisis residential centers: HB 1418, *SHB 1608, CH 326, *2SSB 5025, CH 364
 Dependency cases, legal representation of indigent parents: SHB 1113
 Disabled infants and toddlers, early intervention services: SHB 1090
 Driving privileges of juvenile, revocation based on local ordinance: *SB 5053, CH 260
 Dropouts, retrieval outreach efforts funding authorized: HB 1374
 Drug crimes involving minors, second violation: HB 2094
 Drug delivery to child under twelve years old, sentence: HB 2177
 Drug exposed infants, program to assess and monitor: SSB 5193
 Early childhood education, preschool education assistance: HB 1023, SHB 1026
 Early childhood interagency coordinating councils, state and county, membership and duties: HB 1090
 Early intervention programs: SHB 1090, SHB 1550, SHB 1843
 Employee may use sick leave to care for child under one year of age: HB 1347
 Employment, child labor standards enforcement: SHB 1471, SHB 1472
 Family reconciliation services: HB 1418, *SHB 1608, CH 326, *2SSB 5025, CH 364
 Firearms, unlawful storage, penalties for allowing minors easy access: SHB 1900
 Galactosemia, screening of newborn infants: HB 1906
 Gang risk prevention and intervention pilot programs: *2SSB 5830, CH 296
 Grandparents, custodial preference: HB 1899

* - Passed Legislature; E1 - 1st Special Session

- Guardianship, family court may appoint guardian to represent interests of minor or dependent child in proceedings: SHB 2155
- Homeless children, specialized child care and respite care: SHB 1614, SSB 5653
- Involuntary treatment of minors with substance abuse problems or mental disorders, procedures: *2SSB 5025, CH 364
- Juvenile court records of persons under twenty-six years of age, courts and counsel review: HB 2179
- Juvenile issues task force, membership and duties: *2SSB 5167, CH 234
- Labor laws, enforcement, penalties for violations: HB 1288, *SB 5558, CH 303
- Long-term care of children, policy: SSB 5748, SSB 5820
- Mental health services: HB 1005, SHB 1609, *SHB 1608, CH 326, *SSB 5670, CH 306
- Newborn assessment standards, department of health duties: SHB 1965
- Out-of-home placement, state of the children report: HB 1498
- Parent as first teacher pilot program: SHB 1749
- Permanent placements for dependent children, goals: SSB 5665
- Racial disproportionality in juvenile justice system, study: SHB 1412
- Removal from home, circumstances warranting, "manifest danger" defined: SB 5320
- Runaway children, commission: HB 1425
- Safe houses for runaway and street youth: HB 1604
- Schools and family program: HB 1879
- Substance abusers, task force: SHB 1109
- Sudden infant death syndrome and other sudden, unexplained child deaths, training of first responders, coroners, and others: *HB 1032, CH 176
- Tobacco products purchase and use by minors: SHB 1158, SHB 1753, HB 1974
- Uniform status of children of assisted conception act: HB 1086
- Uniform transfers to minors act: *SHB 1088, CH 193
- Washington family policy center established, duties: HB 1420

CHIROPRACTORS

- Licensing requirements and terminology, revised provisions: *SHB 1629, CH 320
- Peer review for evaluation of services rendered patient: HB 2145, *SHB 1629, CH 320
- Workers' compensation, chiropractic services provided: HB 1627

CHLOROFLUOROCARBONS

- Refrigerant and other uses restricted: *SHB 1028, CH 199

CIGARETTES

- Cigarette sales enforcement fund, licensing fees: HB 1323

Construction and modernization of common schools, use of cigarette tax revenues: HB 1589
 Enforcement of cigarette and tobacco laws, powers and duties transferred to liquor control board: SB 5560
 Outdoor advertising of tobacco and alcohol products: SHB 2011
 Purchase and use by minors: SHB 1158, HB 1974
 Sale below cost in wholesale and retail trade prohibited: HB 1323
 Tobacco, programs to reduce use: SHB 1753
 Vending machines, prohibition of possession and operation of, exceptions: HB 1597

CITIES AND TOWNS

Administrative procedure act, state standards variance: HB 2136
 Affordable housing, zoning variance, conditions: SSB 5810
 Annexation, population determination: HB 1705
 Arterials, access management policies, guidelines required: *2SHB 1671, CH 202
 Boundaries, current and accurate information to county auditor and secretary of state: SHB 1209
 Building codes, stand-alone ordinances, building code council review: HB 1969
 Circuit rider assistance program, technical and funding assistance to small communities: HB 2072
 City managers, withdrawal from public employees' retirement system, retroactive refund to cities authorized: HB 2098
 Community municipal corporations, organization in conjunction with the consolidation of two or more cities: HB 1760
 Commute trip reduction, local government responsibilities: *SHB 1028, CH 199
 Comprehensive flood control management plan, county plan: SHB 1490
 Criminal justice assistance, "criminal justice purposes" defined for local government assistance purposes: *SHB 1137, CH 311, SSB 5185
 Criminal penalties set by cities and counties: SHB 1186, HB 1785
 Desert Shield, health and retirement coverage continued for employees called to active service: HB 1359, SSB 5092
 Drainage districts, first class cities: HB 1930
 Electrical facilities, placement, procedures: SHB 1198
 Electrical inspectors, licensure and certification requirements: HB 2158
 Employee checks, drafts, and warrants may be cashed by cities and towns: *SHB 1858, CH 185
 Employees, conflicts of interest by former municipal employee defined and prohibited: HB 1131
 Energy facility site certification: HB 2174
 Fire protection, separate contract between city or town and state agency allowed: HB 2186

- First class cities, additional transportation authority granted: *SHB 1771, CH 124
- First-time homebuyers, city or town may provide loans and financial assistance, conditions: HB 2115
- Flood control maintenance and enhancement funds authorized for municipal corporations subject to floods: HB 1772
- Flood control, comprehensive state program: *SSB 5411, CH 322
- Flood plain management, local governments' plans: SB 5704
- Gambling tax proceeds, restriction on use removed: HB 1809
- Geographic information systems: SHB 1752
- Growth management act, revised provisions for counties and cities: *SHB 1025, CH 32 E1
- High capacity transportation programs, revised provisions: *SHB 1677, CH 309
- Home heating assistance for low-income persons extended: SB 5904
- Impact fees, child care facilities and services needed as result of growth: HB 1476
- Incorporation, officers, powers, and duties in newly incorporated cities and towns during interim period: *HB 1013, CH 360
- Incorporation, prohibition on new election following failed incorporation election, revised provisions: SB 5139, *HB 1013, CH 360
- Initiative and referendum, noncharter code cities, revised powers and procedures: HB 1761
- Juvenile driving privileges, revocation based on local ordinance: *SB 5053, CH 260
- Lodging tax, authority to impose tax, conditions and restrictions: HB 1949, HB 2180
- Moratoria or interim zoning, state standards: HB 2051, SSB 5727
- Motor vehicle and special fuel, border cities may impose local tax for city street maintenance and construction: *SHB 1342, CH 173
- Pacific Ocean, cities bordering on, authority to levy lodging tax to fund public facilities: *SSB 5301, CH 331
- Police department, warrant server: HB 1732
- Provisions relating to cities and towns revised: HB 1275
- Recycled products, increased purchase and use: *2SSB 5143, CH 297
- Recycling: SHB 1947, *SSB 5478, CH 298
- Roads, city hardship assistance program and account: *SB 5801, CH 342
- Self-insurance programs: HB 2127, *SHB 1907, CH 30 E1
- Sewer systems: SHB 1654, *HB 1607, CH 36
- Small works rosters, uniform process for municipalities to award contracts: SHB 1681
- Stadium, convention, performing arts, and visual arts facilities, revised powers and duties: *SHB 1993, CH 357
- Street responsibilities, study population threshold for dividing responsibilities: SHB 1135
- Street utilities, adjusting provisions: *SHB 1274, CH 141

- Townships, organization of county, revised provisions: HB 2075
- Underground storage tanks, cleanup financial assistance: HB 2114, *SSB 5806, CH 4
- Utilities, municipal utilities authorized to reimburse city for management services: *HB 1040, CH 152
- Water conservation, water and sewage systems, rate setting: *SHB 2026, CH 347
- Water discharge fees, revised provisions: *SHB 1649, CH 307

CITIZENS COMMISSION ON SALARIES

- District court judges, part time judges: *SB 5170, CH 338

CIVIL PROCEDURE

- Animal research facilities, injunctive relief to prevent occurrence of intentional tort against: *SSB 5629, CH 325
- Arbitration, mandatory, award cap set: SB 5063
- Attorneys fees, payment by appellant when appellant does not obtain more favorable judgment: HB 1190
- Child support summons, service by publication when defendant cannot be found: HB 1807
- Childhood sexual abuse, clarification of the application of the statute of limitations: *SHB 2058, CH 212
- Dissolution of marriage, revised provisions: SHB 2188
- Docket priority for parties over seventy years old or terminally ill: *HB 1675, CH 197
- Domestic violence, protection orders: SHB 1560
- Driving while intoxicated, punitive damages for personal injuries or wrongful death: SHB 1676
- Economic damages, joint and several liability of multiple defendants for, revised provisions: SB 5584
- Emergency communications systems or services, immunity from civil liability for errors or omissions under specified circumstances: *SHB 1938, CH 54
- Frivolous actions, award of expenses to prevailing party, judge to consider all evidence in making determination: *SB 5023, CH 70
- Indigent persons, representation in superior court by qualified legal aid programs, waiver of filing fees: HB 1378, SHB 1378
- Joint and several liability of multiple defendants for economic damages, revised provisions: SB 5584
- Judgments, recording of judgment or memorandum of judgment: SSB 5202
- Mandatory arbitration, limit raised, conditions: HB 1786
- Partial summary judgment allowed in civil actions for damages: SHB 1638
- Peremptory challenges of jurors, no juror to be stricken in whole or in part on account of race: HB 1775
- Public hazards, courts may not enter judgment which has purpose or effect of concealing information from the public: SHB 1320

- Public records of another state, certified copies to be admitted in evidence in Washington courts: *SB 5004, CH 59
- Receivers to manage real property, civil action to appoint, when city may authorize action by private individual: SSB 5180
- Sewer systems, imposing strict liability on public sewer systems for damage to individual residences, exceptions: HB 1759

COLLECTIVE BARGAINING

- Agricultural labor relations act adopted: HB 1961
- City and county correctional employees and radio dispatch personnel, definition of "uniformed personnel": SHB 1959
- Prison employees, additional employees authorized to participate: SHB 1913
- School bargaining unit to include all nonsupervisory classified employees, fragmentation of existing unit prohibited: HB 1839
- School districts, subjects not subject to collective bargaining: 2SSB 5919
- State employees' relations commission, membership and duties: SHB 1655
- Superior court employees, definitions revised: HB 1286
- Uniformed personnel, law enforcement officers and fire fighters of all cities, towns, and counties included: HB 1362

COLLEGES AND UNIVERSITIES (See also individual institutions)

- "Resident" student, definition expanded: HB 1778
- Admissions, high school coursework for undergraduate admissions: *SHB 1936, CH 209
- African American endowed scholarship program: SHB 1424
- Alcoholic beverages prohibited on campuses and in related living facilities: HB 1515
- American Indian endowed scholarship program, revised provisions: SHB 1145, *SB 5475, CH 228
- American sign language course, college foreign language admission requirement: HB 1664
- Asian American endowed scholarship program established: HB 2020
- College career entry program created: HB 1035
- College promise program established, financial assistance to eligible students: HB 1667
- Contracts for specific services, requirements: HB 1926
- Disabled students, advisory committee on access to higher education for, establishment and duties: SHB 1296, *SB 5475, CH 228
- Drug offenses, student convicted of drug offense, denial of state financial assistance: HB 1893
- Education construction fund created, appropriations to account for use of public schools and named colleges and universities: HB 1178
- Endowments, institutions not to expend state moneys on personal service contracts to raise money for private endowments: HB 1929

- English proficiency required of persons appointed to faculty or as graduate assistants with teaching duties: SSB 5350
- Enrollment lid modifications: HB 1549
- Enrollment, state-funded enrollment levels increased: HB 1319, SSB 5174
- Facilities, maintenance staff to be increased in proportion to increase in space in new or remodeled facilities: HB 1979
- Facilities, student government political activities use, attorney general to review policies: SHB 2118
- Facilities, student government political activities, use authorized when student government pays for use: HB 2118
- Faculty and other designated members, mandatory retirement eliminated after July 1, 1991: HB 1409
- Faculty full-time, to be paid salaries at least equivalent to K-12 teachers: HB 1559
- Faculty or graduate assistants with teaching duties, English proficiency required of persons appointed as: SSB 5350
- Faculty, teacher educators required to teach one hundred eighty hours in the public schools every five years: HB 1243
- Faculty, teacher educators to teach in the public schools maximum extent feasible, plan to require: *SHB 1243, CH 259
- Financial assistance, student convicted of drug offense to be denied state financial assistance: HB 1893
- Fund for excellence in higher education program established: *HB 1723, CH 98
- Future teacher conditional scholarship program, enhancement and revised provisions: SHB 1598
- Graduate assistants from foreign countries, fluency in English required: *SB 5475, CH 228
- Graduate conditional teaching fellowship programs established, eligibility, service responsibility or repayment: HB 1722
- High school credit, eleventh and twelfth grade students allowed to take courses for: SHB 1762
- Higher education consolidation, state board of regents for higher education created, duties: HB 1662
- Higher education opportunity act of 1991: HB 1319, SSB 5174
- Highly capable students, transition schools authorized at state four-year colleges: HB 1018
- Hispanic American endowed scholarship program: SHB 1066
- Honorary degrees, authority to award: *HB 1143, CH 58
- Leave, paid leave granted to volunteer members of emergency services when training or on call: SHB 1047
- Libraries, reimbursement of libraries at state institutions for use by private college students: HB 1235
- Maintenance staff increased in proportion to increase in space in new or remodeled facilities: HB 1979

- Minority criminal justice education loan program created, eligibility and repayment provisions: SHB 1976
- Personal service contracts, institutions not to expend state moneys on contracts to raise money for private endowments: HB 1929
- Personnel management, Washington management service created, purposes and duties: HB 1035
- Physical access committee to identify barriers to access: SHB 1295
- Regents for higher education, state board of, creation, duties: HB 1662
- Regents, student members appointed to board of regents, University of Washington and Washington State University: HB 1218
- Regional universities, undergraduate student, member of board of trustees: HB 1218
- Retirement, mandatory retirement eliminated: HB 1409
- Revenues, reservation of portion of increased debt capacity to: SHB 1034
- Running start program, implementation: SHB 1762
- Salaries of full-time faculty equivalent to K-12 teachers: HB 1559
- Science fellows, Washington national science fellows program established: HB 1146
- Sick leave policies: SHB 1044, SB 5351, *SB 5475, CH 228
- Single parents, higher education assistance: HB 1191, HB 1192
- Spokane intercollegiate research and technology institute, board membership and duties: *HB 2198, CH 205
- Spouses of students, retirement service credit for employment at college or community college, conditions: HB 1248
- Student government political activities: SHB 2118
- Student housing needs task force, membership and duties: HB 1238
- Student teacher centers program for special support and training of student teachers: *SSB 5504, CH 258
- Students with disabilities, endowed scholarship program: HB 2189
- Teacher educators to teach in the public schools maximum extent feasible, plan: *SHB 1243, CH 259
- Tribally controlled colleges included in definitions of higher education institutions: SHB 1726
- Tuition and fees, exemption for children of persons killed on active service in the Persian Gulf conflict: HB 2035
- Tuition and fees, Persian Gulf veterans: HB 1674, HB 2035
- Tuition and fees, persons serving in the Peace Corps after August 31, 1991: HB 1422
- Tuition and fees, waivers, exempt state employees: HB 1633
- Tuition and fees, waivers, reduced fees, and residency exemptions, evaluation criteria and reauthorization requirements: SHB 2030
- Tuition exemption, children of military personnel killed or disabled on active service: SHB 1108
- Tuition waivers, dislocated timber workers: *SSB 5555, CH 315
- Tuition waivers, state patrol officers: HB 1056
- Tuition waivers, national guard members: SHB 1097

Vietnam veterans, tuition and fees, enrollment period extended: HB 2092
 Vocational agriculture education courses, relevancy and course
 equivalencies: HB 1303

COMMERCIAL VESSELS AND SHIPPING

Merchant marine service included in definition of veteran: HB 1104, *SB
 5477, CH 240
 Oil and hazardous substances: *SHB 1027, CH 200
 Property tax on ships and vessels, listing requirements and payment
 procedures: HB 2110

COMMON CARRIERS

Baggage, limits on liability set by utilities and transportation commission:
 HB 1272, *SB 5219, CH 21

COMMUNITY AND TECHNICAL COLLEGES

Community and technical college act of 1991: SHB 1039, *SSB 5184, CH
 238

COMMUNITY COLLEGE EDUCATION BOARD

Conditional scholarship program, duties: HB 1386
 Disabled students' access to higher education advisory committee, duties:
 SHB 1296
 Enrollment allocations to be based on demand: HB 1548
 Enrollment levels increased, allocation responsibilities: HB 1549
 Exceptional faculty awards program: SHB 1869
 Higher education consolidation, state board of regents for higher education
 created, duties: HB 1662
 Higher education opportunities program for dislocated timber workers,
 administrative duties: SHB 1870
 Vocational agriculture education program, responsibilities: HB 1303

COMMUNITY COLLEGES

"Resident" student, definition expanded: HB 1778
 Capital construction needs, revenue from management of state forest lands:
 SSB 5445
 Community and technical college act of 1991: SHB 1039, *SSB 5184, CH
 238
 Conditional scholarship program: HB 1386
 Dislocated timber workers, provision of training and retraining timber
 impact areas: SHB 1870, *SSB 5555, CH 315
 Education construction fund created, appropriation for minor capital
 improvements: HB 1178
 Educational paraprofessional associate of arts degree program, training
 requirements and scope of employment limits: *SHB 1813, CH 285
 Enrollment levels: HB 1319, HB 1548, HB 1549, SSB 5174

- Faculty full-time, salaries equivalent to K-12 teachers: HB 1559
 Faculty, ratio of full-time positions to part-time: SHB 1419
 Graduate assistants from foreign countries, fluency in English required:
 *SB 5475, CH 228
 Honorary degrees, authority to award, conditions: *HB 1143, CH 58
 Leave sharing program, contribution of sick leave benefits: SHB 1044
 Persian gulf, refund of or credit toward new enrollment for students
 deployed because of the Gulf war: *SHB 2027, CH 164
 Physical access committee to identity barriers to access: SHB 1295
 Revenues, reservation of portion of increased debt capacity: SHB 1034
 Running start program pilot project implementation: SHB 1762
 Shared leave program, limitations removed: HB 2199
 Sick leave policies: SHB 1044, SB 5351, *SB 5475, CH 228
 Spouses of students, retirement service credit for employment at college
 or community college, conditions: HB 1248
 Summer schools may be self-supporting or state-funded, conditions: *SB
 5824, CH 353
 Teachers' retirement system, "substitute teacher" defined to exclude full
 time plan I community college district teachers: HB 1020
 Tenure of faculty members, periodic review, revised procedures: *SSB
 5456, CH 294
 Tuition and fee waivers, reduced fees, and residency exemptions,
 evaluation criteria and reauthorization requirements: SHB 2030
 Tuition exemption for children of military personnel killed or disabled on
 active service: SHB 1108
 Tuition waivers, dislocated timber workers: *SSB 5555, CH 315
 Vocational agriculture education courses, relevancy and course
 equivalencies: HB 1303

COMMUNITY CORRECTIONS

- Community corrections boards, renamed local law and justice councils:
 SHB 1199
 Firearms or ammunition possession by criminal offenders under supervision
 prohibited, penalties and procedures: *SSB 5825, CH 221
 Firearms, community corrections officers authorized to carry: HB 1079
 Probation supervision services, offender to pay monthly assessment to
 department of corrections for term of supervision, exceptions: *HB
 1371, CH 104
 Retirement provisions, early retirement for corrections officers: HB 1080
 Vehicular homicide or assault, drug and alcohol evaluation and treatment
 required as a condition of sentencing: *SHB 1886, CH 348

COMMUNITY DEVELOPMENT, DEPARTMENT OF

- 911 emergency communications network, duty to coordinate and facilitate
 implementation and operation of enhanced state-wide system: *SHB
 1938, CH 54

- Affordable housing program created, duties: *SHB 1624, CH 35
- Agriculture, in-state direct marketing opportunities for agricultural producers, urban-rural links: HB 1977
- Air quality impacts of new development, department to establish methodology: SHB 1673
- Building technologies advisory board, department duties: HB 2136
- Children's services ombuds, position created, powers and duties: HB 1537
- Circuit rider assistance program created to provide technical and funding assistance to small communities: HB 2072
- Cities and towns, newly incorporated, duty to notify state, local, and federal agencies of incorporation: *HB 1013, CH 360
- Citizen service, state support, departmental duties: HB 1147
- Citizens' review of local government, departmental duties: HB 1017
- Community partnership program, advisory committee created, duties: SHB 1904, SSB 5581
- Community stabilization act, assistance with mortgage and rent payments to avoid homelessness: SHB 1747
- Comprehensive plans, counties and cities must submit final draft and adopted plan for review by department: *SHB 1025, CH 32 E1
- Counties, solid waste disposal compliance, funding: HB 1553
- Dislocated timber workers, emergency mortgage and rental assistance program, duties: *SSB 5555, CH 315
- Early intervention program for children in poverty established, application guidelines: SHB 1843
- Earthquake preparedness policy in schools, duties: HB 1266
- Energy use, education program for low-income persons regarding energy use and financial management: HB 2060
- Environmental planning pilot projects, duties: *SHB 1025, CH 32 E1
- Fire-extinguishing system, automatic, required in newly constructed schools, responsibilities: SHB 1276, *SSB 5261, CH 170
- Gang risk prevention and intervention pilot programs, development and implementation of community-based programs: *2SSB 5830, CH 296
- Housing assistance program created, loans from housing trust fund: *SHB 1624, CH 356
- Housing trust fund and housing assistance program, responsibilities: HB 1259
- Housing trust fund, appropriation: SHB 1623
- Indigent persons, representation in superior court by qualified legal aid programs, duties: SHB 1378
- Local government service agreements, duties and rulemaking authority: SHB 1015
- Low-income energy assistance program for households, responsibilities: HB 1335
- Minority and women-owned businesses loan fund committee, membership: SHB 1737

- Mobile home parks, purchase by tenant organizations, loans and technical assistance to organizations purchasing parks, duties: HB 2169
- Mobile home parks, relocation assistance for displaced low-income tenants, relocation fund disbursement rules: SHB 1841, *SHB 1440, CH 327
- Parent as first teacher pilot program, duties: SHB 1749
- Section eight assisted housing development, sale or transfer, conditions: SHB 1734
- Sexual assault prosecution assistance program: *SHB 1534, CH 267
- Soccer facility construction for 1994 World Cup soccer games: SHB 1302
- Timber impacted areas, community assistance program duties: *SHB 1341, CH 314
- Watercourse management task force to be formed, membership and duties: *SSB 5411, CH 322
- Yakima county criminal justice enhancement, appropriation: HB 1360

COMMUNITY SERVICE

- Community outreach health programs, pilot local programs using volunteers: SSB 5650
- Community partnership program established to assist community-based organizations, advisory committee: SHB 1904, SSB 5581
- Family support centers, department of social and health services to provide grants for the operation of community-based centers: HB 2083
- Gang risk prevention and intervention pilot programs, development and implementation of community-based programs: *2SSB 5830, CH 296

COMPUTERS

- Geographic information task force, department of information services: HB 1659
- Software, personal property taxation and exemption from taxation of various types of computer software: *HB 1376, CH 29 E1

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CONFIDENTIALITY (See PUBLIC DISCLOSURE)

CONSUMER PROTECTION

- Adoption, advertisement, consumer protection violation: SSB 5299
- Adulterated or misbranded food products, director of agriculture authority:
*HB 1955, CH 162
- Consumer and business dispute resolution act: HB 2126
- Consumer loans, higher interest rates for borrowers with higher than
average credit risk: *SHB 1743, CH 208
- Denture services, price, materials, conditions for return of removable dental
prostheses: HB 2002
- Discriminatory practices committed in the course of trade or commerce,
unfair practices: SHB 1255
- Drinking water quality, investigation of consumer complaints by utilities
and transportation commission: *SSB 5045, CH 134
- Electronic equipment warranties, requirements: SHB 1399
- Flood plain location of real property, conveyances must include statement,
remedies: HB 2122
- Food processing plants, licensing requirements to prevent adulteration or
misbranding of food products: *SHB 1957, CH 137
- Food, drug, and cosmetic act, technical revisions: *HB 1955, CH 162
- Franchise investment protection, revised provisions, duties of director of
licensing: *SSB 5256, CH 226

- Going-out-of-business sales, advertising regulations: HB 2184
- Information delivery services, advertisement, requirements: HB 1612, *SSB 5518, CH 191
- International student exchange organizations, registration requirements: *SHB 1051, CH 128
- Mobile home landlord-tenant act violations, unfair or deceptive practices: HB 1337
- Motor vehicle liability insurance, failure to disclose availability of preferred risk plan to qualified applicant, unfair practice: HB 1575
- Petroleum marketing practices, regulation of unfair practices: HB 1611
- Prizes, promotional advertising, regulation: HB 1227, *SSB 5108, CH 227
- Public safety-related organizations solicitation of charitable contributions, identification of caller required, penalties: HB 2101
- Tenant application fees for screening services, amount may not exceed actual costs, required disclosures: *SHB 1336, CH 194
- Weights and measures statutes revised: *SHB 1856, CH 23 E1

CONTRACTORS

- "Residential contracting" defined: HB 1207
- Construction contracts, indemnity clauses, limitations on enforceability: HB 2087, SB 5566
- Construction liens, revised act: *SSB 5497, CH 281
- Electrical utilities and contractors exempted from licensing requirements, conditions and limitations: HB 2053
- Fair pay act: SHB 1736
- Industrial insurance premium and unemployment compensation contributions, contractor avoidance, study: *HB 1244, CH 34
- Registration, information seminar on laws and practices: SHB 1207
- Workers' compensation, actions for damages by injured workers against contractors with joint supervision and control of premises prohibited: SSB 5858

CONTRACTS

- Construction contracts, liability insurance conditions: HB 2087, SB 5566
- Cost of financing contracts, state debt calculation: HB 1518
- Employee noncompetition agreements, requirements to create enforceable agreement: SSB 5526
- Real property, earnest money deposit, forfeiture as an exclusive remedy, conditions for enforcement of provision: *SHB 2042, CH 210
- State, personal services contracts, review and approval procedures: SHB 1133

CONVENTION AND TRADE CENTERS

- "Convention center facilities" defined: *SHB 1993, CH 357

- Convention, tourism, and economic development promotions, business and occupation tax exemption for payments and contributions by public entities to nonprofit corporations: HB 1898, SB 5661
- Lodging tax, distribution to counties pledging revenues for stadium, convention, and arts centers: *HB 2093, CH 336
- State, completion costs to include construction litigation settlement costs: *HB 1818, CH 2

CORPORATIONS

- Employee cooperative corporations, revised provisions: HB 1708
- Mail receipt allowed at commercial mail receiving agency that rents private mailboxes in same city: SB 5544
- Nonprofit corporations, fees for nonprofit corporation filings increased: *HB 1853, CH 223
- Real estate excise tax, transfer of ownership through stock transfer or purchase designated transfer of real property: *SHB 1831, CH 22 E1
- State trust funds, personal liability of person in control of funds upon termination of business: *HB 1228, CH 85
- Technical amendments to corporation laws: *SB 5107, CH 72

CORRECTIONS, DEPARTMENT OF

- Boot camp pilot program for first-time offenders, duties: HB 1433
- Chief of police and sheriff to be notified of escape of serious drug offender: *SSB 5128, CH 147
- Collective bargaining, division of prisons: SHB 1913
- Early release time, completion of high school required, conditions and exceptions: HB 1962
- Forest fires, interstate forest fire suppression compact: *SHB 1208, CH 131
- Incarceration costs, obligation of inmate to pay, assessment and collection procedures: HB 1685
- Incentive program, allow inmates to earn higher wages and use wages to purchase amenities: *SHB 1777, CH 130
- Incentive program, pilot program to encourage inmates to develop educational and job skills: *SHB 1686, CH 256
- Interstate parole and probation hearing procedures act repealed: *HB 1372, CH 77
- Offender financial obligations monthly payment, notice and issuance of order, responsibilities: HB 1373, *SSB 5363, CH 93
- Probation supervision services, offender to pay monthly assessment to department for term of supervision, exceptions: *HB 1371, CH 104
- Retirement, early retirement for eligible employees: HB 1077

COSMETICS

- Food, drug, and cosmetic act, technical revisions: *HB 1955, CH 162

COSMETOLOGY

- Licensing requirements for cosmetologists, barbers, manicurists, estheticians, and salons/shops: *SHB 1136, CH 324
- Out-of-state cosmetologists, barbers and manicurists, licensing requirements: HB 1321

COUNSELORS AND COUNSELING

- Family violence counselors, certification requirements: SHB 1882
- Homicide victims, families to receive counseling benefits: HB 2034
- Vocational rehabilitation counselors, workers' compensation program: HB 1160

COUNTIES

- 911 network, implementation by December 31, 1998: *SHB 1938, CH 54
- Administrative procedure act, local regulators bear burden of proof for reason for state standards variance: HB 2136
- Affordable housing, zoning variances, conditions: SSB 5810
- Air pollution control authorities, withdrawal of county from multicounty authority, requirements and procedures: *SB 5821, CH 125
- Arterials, access management policies, guidelines required: *2SHB 1671, CH 202
- Boundaries, information to county auditor and secretary of state: SHB 1209
- Boundary review board, abolishment when specified conditions occur: SHB 1015
- Building codes, stand-alone ordinances, review: HB 1969
- Burial benefits of indigent veterans increased: HB 2117
- Citizens' review of local government, process established: HB 1017
- Civil service commission, compensation: HB 1140
- Classes of counties, population figures to distinguish counties: *SHB 1201, CH 363
- Collection agencies, assignment of public debts for collection: SSB 5052
- Collective bargaining, definition of "uniformed personnel": SHB 1959
- Commissioners, per diem compensation: SSB 5020
- Community corrections boards, renamed local law and justice councils: SHB 1199
- Community councils, formation in unincorporated areas authorized: HB 1009
- Commute trip reduction, local government responsibilities: *SHB 1028, CH 199
- Comprehensive flood control management plan: SHB 1490
- Convention center facilities, authority for counties located in national scenic areas to construct: *SHB 1993, CH 357
- Criminal justice assistance, "criminal justice purposes" defined for local government assistance purposes: SSB 5185, *SHB 1137, CH 311

- Criminal justice purposes, additional tax for criminal justice purposes in larger counties east of the Cascades: HB 1980
- Criminal penalties set by cities and counties to be the same as those set by state law: SHB 1186
- Criminal penalties, consideration of possible exceptions to state preemption of local penalties, study: HB 1785
- Domestic violence, comprehensive county plan: HB 1741, *SHB 1884, CH 301
- Early childhood interagency coordinating councils, membership and duties: HB 1090
- Emergency medical care services, local tax levy, rate, restrictions: *SHB 1635, CH 175
- Energy facility site certification: HB 2174
- Family court and family court services expanded, revised provisions, county duties: SHB 2155
- First-time homebuyers, loans and financial assistance, conditions: HB 2115
- Flood control, comprehensive state program: *SSB 5411, CH 322
- Flood plain management, local government plan, federal program requirements: SB 5704
- Gambling tax proceeds, restriction removed: HB 1809
- Geographic information systems, joint development and use contracts authorized: SHB 1752
- Growth management act, revised provisions for counties and cities: *SHB 1025, CH 32 E1
- Health department, early intervention services for infants and toddlers with disabilities, duties: SHB 1090
- High capacity transportation programs, revised provisions: *SHB 1677, CH 309
- Human remains, responsibility for transportation costs: *HB 1032, CH 176
- Impact fees, child care facilities and services needed as result of growth: HB 1476
- Impaired air quality: HB 1630
- Indigent defense costs, limits on county responsibility: HB 1375
- Lodging excise tax distributed to counties pledging revenues for stadium, convention, and arts centers: *HB 2093, CH 336
- Metropolitan municipal corporation function, revised provisions: SHB 1927
- Motor vehicle title and registration fees, reimbursement of county for operational losses in collecting fees: SHB 2024
- Pacific Ocean, counties bordering on, authority to levy lodging tax to fund public facilities: *SSB 5301, CH 331
- Property tax, assessment and collection, revised provisions: HB 1994
- Property tax, assessment at one hundred percent of true and fair value unless legislative authority sets a lower rate: SSB 5818
- Property tax, exemption of residences near jails from county levy: HB 1101

- Purchase or exchange of tax-paying parcel of land, requirement that county receive property of equal or greater tax value: HB 1967
- Reconveyance of state lands leased for sanitary landfills to counties: *HB 1267, CH 10
- Recycling: SHB 1947, *2SSB 5143, CH 297, *SSB 5478, CH 298
- Regional mental health networks, employment services: *SHB 1915, CH 29
- Road equipment, purchase authorized from lowest and best bidder, exception, penalties: HB 1791
- Road maintenance materials, awards may be made to multiple bidders when haul distance considered: SB 5816
- Roads, owners of property near road authorized to petition for its vacation: HB 1578
- Self-insurance programs: HB 2127, *SHB 1907, CH 30 E1
- Sewer systems, city authority to compel county residents, with county approval, to hook up to city systems: SHB 1654
- Small works rosters, uniform process to award contracts: SHB 1681
- Solid waste collection and regulation authorized, rate regulation may be delegated to utilities and transportation commission: HB 2099
- Solid waste disposal compliance, funding: HB 1553
- Special districts, hearings and election procedures: *SHB 1194, CH 349
- Special elections held in conjunction with general election, resolutions to be submitted sixty-five days before: HB 1592
- Storm water control facilities, lien for delinquent service charges, alternative procedure: *HB 1607, CH 36
- Tires, studded tires, counties may impose fee on retail sales: SHB 1154
- Townships, revised provisions: HB 2075
- Underground storage tanks: SHB 2114, *SSB 5806, CH 4
- Water management, areas without significant water resource problems designation, duties: SSB 5765
- Water resources utilities: HB 1970

COUNTY ASSESSORS

- 1989 valuations and assessments, use for 1991 property taxes, authorization: SB 5195
- Assessment of new construction or remodelled owner-occupied homes: HB 2166, HB 2178
- Averaging of large property valuation increases, revised assessment procedures: SHB 1300, HB 2067, HB 2182
- Forest land classification withdrawal or removal, notice requirements: HB 1823
- Low-income housing, current use valuation: HB 1225
- Property tax exemption program, compilation and reporting of data on program use, requirements: *SSB 5110, CH 203
- Property tax levies and related matters, report to department of revenue, required contents: *SHB 1031, CH 82

Valuation of owner-occupied residential property on change of ownership:
HB 1026

COUNTY AUDITORS

Absentee voter records, address disclosure of actual or threatened victim
of domestic violence prohibited, conditions: HB 1511, HB 2156

Absentee voting, satellite offices: HB 1697

Candidacy residency requirement, duties: HB 1516

Election audit, duties: HB 1711

Licensing department subagents, appointment by auditor, service fee
amounts set: HB 2023, HB 2160, *SHB 1704, CH 339

Port district initiatives, duties: HB 1546

Recording fees and procedures: *HB 1716, CH 26

Voter registration by mail, duties: HB 1310

Voters' pamphlet arguments: HB 1594

Voting by mail, nonpartisan special elections: SHB 1501

COUNTY COMMISSIONERS

Court commissioners, number of commissioners appointed in county: *SHB
1782, CH 300

Five-member boards, effective date: HB 1405, *SB 5141, CH 344

Jail labor, reduction in amount of outstanding fines and costs: *HB 1500,
CH 183

Vacancies, revised procedures for filling: HB 2171

Water resources utilities, authority and procedures for establishing,
functions of utility: HB 1970

COUNTY LEGISLATIVE AUTHORITY (See COUNTY COMMISSIONERS)

COUNTY ROAD ADMINISTRATION BOARD

County ferries, capital improvement requests, evaluation: *SHB 2050, CH
310

COUNTY TREASURERS

Responsibilities revised: *SHB 1316, CH 245

COURTS (See COURT OF APPEALS; DISTRICT COURT; MUNICIPAL COURT; SUPERIOR COURT; SUPREME COURT)

Deaf, interpreters in legal proceedings, revised provisions: *SHB 1727, CH
171

Docket priority in civil cases for parties over seventy years old or
terminally ill: *HB 1675, CH 197

Frivolous actions, award of expenses to prevailing party: *SB 5023, CH
70

- Public hazards, courts may not enter judgment which has purpose or effect of concealing information from the public: SHB 1320
- Speech-impaired persons, assistance from interpreter in legal proceedings: *SHB 1727, CH 171
- Suppression of evidence prohibited if evidence collected in good faith belief of its legality: HB 1719

COURTS, OFFICE OF THE ADMINISTRATOR

- Child support schedule adopted, rulemaking duties: HB 2143

CREDIT UNIONS

- Directors and officers, fiduciary duty to credit union: SHB 1085
- Dishonored checks: *SSB 5494, CH 168
- Public employee payroll deductions, authority not restricted to credit unions organized solely for public employees: HB 2062

CRIMES

- "Driving while intoxicated" changed to "driving while under the influence of intoxicating liquor or any drug": *HB 1757, CH 290
- "Sexually violent offense" defined: HB 2119
- 911 or enhanced 911 systems, exemption from invasion of privacy laws when acting to aid public health or safety agencies: *SHB 1938, CH 54
- Adult family home, unlicensed operation of, misdemeanor: *SSB 5003, CH 40
- Animal facilities, unlawful acts against defined, penalties: *SSB 5629, CH 325
- Bigotry or bias crimes: SHB 1037
- Bookmaking, revised provisions and penalties: *SB 5441, CH 261
- Brands, unlawful possession of branded livestock, revised definitions and penalties: *SHB 1958, CH 110
- Child labor laws: HB 1288, *SB 5558, CH 303
- Child molestation in the first degree, perpetrator must be at least twenty-four months older than victim: SB 5275
- Communication with a minor for immoral purposes: SSB 5346
- Controlled substances, sale near a preschool prohibited, penalties set: HB 2148
- Controlled substances, selling for profit, penalties increased: *HB 2073, CH 32
- Credit union directors and officers, violation of fiduciary duty to credit union, gross misdemeanor: SHB 1085
- Criminal street gang activities, offenses defined, penalties set: HB 1756
- Domestic violence, penalties increased for assault and reckless endangerment in domestic setting: HB 1741, *SHB 1884, CH 301
- Driving while suspended or revoked in the first degree, habitual traffic offenders, penalties: HB 1182, *SSB 5266, CH 293

- Drug crimes involving minors, second violation a class B felony: HB 2094
- Drug delivery to child under twelve years old, person convicted to be sentenced to not less than ninety-nine years: HB 2177
- Drug offenses, student convicted of drug offense to be denied state financial assistance: HB 1893
- Election crimes defined, penalties: *HB 1072, CH 81
- Felonies, seizure and forfeiture of property involved in commission of a felony: SHB 1616
- Fire sprinkler system, installation of inoperable systems, class C felony: SHB 1821
- Firearms, possession in state capitol buildings, misdemeanor: SHB 1202
- Food processing plants, violations of licensing requirements, criminal or civil penalties: *SHB 1957, CH 137
- Forest, range, brush, or grain areas, throwing lighted material away in, gross misdemeanor: HB 1769
- Harassment, antiharassment petitions, concurrent jurisdiction of superior and district courts: *SHB 1824, CH 33
- Harassment, malicious, based on perceived race and sexual orientation included in definition of bigotry or bias crimes: SHB 1037
- International student exchange organizations, violation of registration or reporting requirements a misdemeanor: *SHB 1051, CH 128
- Liquor advertising on television, gross misdemeanor: HB 1239
- Littering, maximum fine and jail sentence imposed: HB 1153
- Marihuana growing and selling, penalties increased: HB 1698
- Mentally ill, assault on staff of hospitals for the mentally ill, class C felony: HB 1345, SSB 5199
- Minors, communication with a minor for immoral purposes: SSB 5346
- Mobile home parks, operating without health and sanitation license, misdemeanor: HB 2173
- Money laundering, first degree is class B felony, second degree is class C felony, penalties: SSB 5318
- Oil facilities, operation without an approved oil spill prevention and oil spill contingency plan: *SHB 1027, CH 200
- Penalties set by cities and counties to be the same as those set by state law: SHB 1186
- Public safety-related organizations solicitation of charitable contributions, identification of caller required, penalties: HB 2101
- Rape of child in the first degree when victim under twelve, no less than ninety-nine year sentence to be imposed: HB 1758
- Recordings, unauthorized reproduction or recording of material, offenses defined, penalties: SHB 1064, *SSB 5030, CH 38
- Sexual assault committee, state-wide, membership and duties: *SHB 1534, CH 267
- Sexually violent offenses, sentencing provisions: HB 2119
- Stolen property values increased for determining degree of theft: HB 1187, SSB 5438

- Tank vessels, reckless operation of, class C felony: *SHB 1027, CH 200
- Theft, stolen property values increased for determining degree of theft: HB 1187, SSB 5438
- Tobacco products, purchase or attempted purchase by person under the age of eighteen, misdemeanor: HB 1974
- Traffic offenses designated as criminal offenses, revised listing: *SHB 1704, CH 339
- Uniform controlled substances act, comprehensive revision and update, penalties: SHB 2028
- Vehicular assault, definition and defenses: HB 1134, SB 5068
- Vehicular homicide or assault, drug and alcohol evaluation and treatment required as a condition of sentencing: *SHB 1886, CH 348

CRIMINAL JUSTICE SERVICES

- "Criminal justice purposes" defined for local government criminal justice assistance purposes: SSB 5185, *SHB 1137, CH 311
- Community corrections boards, renamed local law and justice councils: SHB 1199
- Interagency criminal justice work group established, membership and duties: *SSB 5418, CH 351
- Minority criminal justice education loan program created, eligibility and repayment provisions: SHB 1976
- Sales and use taxes, tax for criminal justice purposes in larger counties east of the Cascades: HB 1980

CRIMINAL JUSTICE TRAINING COMMISSION

- Armed private detectives, firearms certification requirements: *SHB 1181, CH 328
- Armed private security guards, firearms certification and proficiency requirements: SHB 1180
- Sexual assault cases, training to emphasize professionalism and sensitivity towards victim and family: *SHB 1534, CH 267

CRIMINAL OFFENDERS

- Boot camp, shock incarceration programs, study: SHB 1433
- Financial obligations monthly payment, duties of person served with notice: HB 1373
- Firearms or ammunition possession prohibited, penalties: *SSB 5825, CH 221
- Legal financial obligations, administrative process for setting and collecting monthly amount offender pays: *SSB 5363, CH 93
- Mediation program for victims and offenders authorized, exceptions: HB 2130
- Probation supervision services, offender to pay monthly assessment to department of corrections for term of supervision, exceptions: *HB 1371, CH 104

Rehabilitation, criminal history background check to determine status of prospective employee or volunteer: HB 2055

Sentencing of adult criminal offenders, task force, membership and duties: HB 2170, *SSB 5418, CH 351

CRIMINAL PROCEDURE (See CRIMES; PRISONS AND PRISONERS)

Antiharassment petitions, concurrent jurisdiction of superior and district courts: *SHB 1824, CH 33

Criminal penalties, exception to state preemption of local penalties, study authorized: HB 1785

Deferred prosecution, courts may award costs as a condition: *SHB 1189, CH 247

HIV diseases, testing of persons charged with criminal offenses: SSB 5086, 2SSB 5278

Indigent defense costs, limits on county responsibility, state to pay excess: HB 1375

Indigent defense task force reinstated: SSB 5072

Intruder in a dwelling, use of force, conditions justifying, immunity from civil and criminal liability: SB 5140

Juvenile court records of persons under twenty-six years of age, courts and counsel review, when allowed: HB 2179

Public records of another state, certified copies to be admitted in evidence in Washington courts: *SB 5004, CH 59

Suppression of evidence prohibited if evidence collected in good faith belief of its legality: HB 1719

Vehicular assault, definition and defenses: HB 1134, SB 5068

DAIRIES (See AGRICULTURE)

DAY CARE

"Agency" redefined for purposes of licensing: HB 1394

Business and occupation tax credit for employer-sponsored child care facilities: HB 1538, SHB 1637

Child and family care, employer-assisted programs to include fair share from new growth and development for additional facilities and services: SHB 1476

Child care coordinating committee appropriation: HB 1382

Child care facility revolving fund, child care facility grants, loans, and loan guarantees: SHB 1808, *SSB 5583, CH 248

Child care providers conditional scholarship program: HB 1814

Child care wage enhancement grant program established: HB 1566

Community-based child care resource and referral programs: HB 1166, SSB 5580

Foundation for families act enacted: SHB 1471

Homeless children, specialized child care and respite care: SHB 1614, SSB 5653

Kindergartens and nursery schools, inclusion in definition of "agency" for licensing purposes: HB 1394
 Uniform business identifier number required for licensing: HB 1508

DEAF PERSONS

Advisory committee for state programs for the deaf created: SHB 1523, SSB 5458
 Advisory committees or councils required by federal law to receive federal funds, secretary authorized to appoint: SSB 5458
 Hearing-impaired demographical study team created, duties: HB 1793
 Interpreters in legal proceedings, provisions changed: *SHB 1727, CH 171
 Real property acquired for institutional purposes or the benefit of disabled persons, management plan requirements: *SSB 5332, CH 204
 Regional service centers established: SHB 1523, SSB 5458
 Telecommunications devices for the deaf task force, formation and duties: *SSB 5536, CH 121

DEAF, STATE SCHOOL

Appropriations to be made directly to school: *SB 5779, CH 65

DEATH INVESTIGATIONS COUNCIL

Pathology, administration of state forensic pathology fellowship program: *HB 1032, CH 176
 Sudden infant death syndrome and other sudden, unexplained child deaths, training of first responders, coroners, and others: *HB 1032, CH 176

DEATH WITH DIGNITY ACT

Legislative alternative: HB 1481

DEFENSES (See CRIMINAL PROCEDURE)

DEVELOPMENTALLY DISABLED

Abuse reporting, requirements: *SHB 1054, CH 111
 Children, long-term care policy for special needs child and family: SSB 5748
 Community residential programs: HB 1541
 Employment, regional disabilities employment function to provide services for high school graduates established: 2SSB 5780
 Private community programs for adults expanded: SHB 1542
 Protection and advocacy of rights of developmentally disabled persons, governor to designate agency to implement program: *HB 1986, CH 333
 Real property acquired for institutional purposes or the benefit of disabled persons, management plan requirements: *SSB 5332, CH 204
 Residential habilitation centers: HB 1735

Residential habilitation centers, Frances Haddon Morgan Children's Center corrected to Frances Haddon Morgan Center: HB 1520
 Service providers, multiple family home ownership allowed: SSB 5548

DIKING DISTRICTS

Commissioners, per diem compensation: SSB 5020, *SHB 1194, CH 349

DISABLED PERSONS

Access to higher education for students with disabilities, advisory committee, duties: *SB 5474, CH 235

Children, long-term care policy for special needs child and family: SSB 5748

Community-based long-term care and support services pilot projects: SHB 1569

Families with disabled members, housing trust fund to assist in making housing more accessible: SHB 2161

General assistance, eligibility of incapacitated persons, limitations: *SB 5959, CH 10 E1

Infants and toddlers, early intervention services for those with disabilities: SHB 1090

Interdepartmental advisory council for persons with functional disabilities established: HB 1921

Medically fragile children, evaluation of short and long-term residential care options: SSB 5748

Parking privileges, revised eligibility and use provisions, identifying placard, and penalties for unauthorized use: SHB 1634, *SHB 1704, CH 339

Physical access committee established at institutions of higher education: SHB 1295

Property tax, exemption from and deferral of: HB 1240, *HB 1299, CH 213, *SSB 5110, CH 203

Specialized transportation services: HB 1507

State employees, disabled, exempted from automobile license fees: HB 1078

Statutory references to handicapped changed to disabled: HB 2008

Students with disabilities, endowed scholarship program: HB 2189

Wildlife director to develop plan to comply with Americans with Disabilities Act of 1990: SHB 1250

DISASTER RELIEF (See EMERGENCY SERVICES)

DISCRIMINATION

African-American affairs, commission: SHB 1631

Age discrimination, upper limit on application of age discrimination statute removed: SHB 1255

Bigotry or bias crimes: SHB 1037

- Family leave for employee to care for family member, discrimination against employee exercising rights prohibited: SHB 1471, HB 1474
- Minority criminal justice education loan program created, eligibility and repayment provisions: SHB 1976
- Overtime work, employment discrimination for refusal to work prohibited: SHB 1475
- Peremptory challenges of jurors, no juror to be stricken in whole or in part on account of race: HB 1775
- Reproductive status in workplace where hazardous substances may harm reproductive function, discrimination prohibited: SHB 1725
- Technical revisions to statutes pertaining to discrimination: SHB 1255

DISLOCATED WORKERS

- Natural resource worker project established: SHB 1314, *SSB 5555, CH 315
- Timber workers, retraining, support services, job search assistance required: *SSB 5555, CH 315
- Training pilot project for dislocated timber industry workers in Skagit county: SHB 1315

DISSOLUTION OF MARRIAGE

- Actions to change, modify, or enforce final orders regarding child support may be brought in county where children reside: SHB 2154
- Child support schedule adopted: HB 2143
- Child support schedule, calculation of income: SHB 2188
- Contract to allow dissolution only on a showing of fault by one party permitted, requirements: HB 1403
- Family court and family court services expanded, revisions: SHB 2155
- Grandparents custodial preference: HB 1899
- Retirement benefits, mandatory assignment: *SHB 1211, CH 365
- Spousal maintenance, past, present, and future earnings capacity considered: HB 1666

DISTRESSED AREAS

- Agency timber task force membership and duties: *SHB 1341, CH 314
- Circuit rider assistance program created to provide technical and funding assistance to small communities: HB 2072
- Economic diversification and strengthening infrastructure in timber-dependent counties, funding priority: HB 1442
- Higher education opportunities program for dislocated timber workers: SHB 1870
- Homelessness prevention program, department of community development duties: SHB 1747
- Liquor deliveries to stores and agencies, first consideration to be given to freight carriers within federal timber impact area: HB 1746

Pacific Northwest export assistance program created, purposes: *SHB 1341, CH 314
 Timber supply impact areas, public facility loans and grants authorized: HB 1645
 Timber-dependent areas; funding of small-scale tourism projects, conditions and requirements: *SSB 5555, CH 315
 Timberlands revitalization act: HB 2181

DISTRICT COURT

Antiharassment petitions, concurrent jurisdiction of superior and district courts: *SHB 1824, CH 33
 Deferral of determination that a traffic infraction was committed, limitations and standards: SHB 1552
 Judges, determination of number in each county, revised method: *SHB 1881, CH 313
 Judges, full time judges, criteria for designation: *SB 5170, CH 338
 Judges, number increased in King, Pierce, and Spokane counties: *HB 1467, CH 354
 Judges, part time judges, salaries set by citizens' commission on salaries: *SB 5170, CH 338
 Judges, qualifications for candidacy in districts with population of fewer than five thousand persons: *HB 2082, CH 361
 Judges, sick leave to be provided as for other county employees: *HB 2082, CH 361
 Judges, two additional positions authorized in Pierce County: HB 1114
 Jurisdictional amount, not to exceed twenty-five thousand dollars: HB 1190, *SHB 1824, CH 33
 Mandatory arbitration, civil actions subject to same extent as superior court civil actions, exceptions: SHB 1825
 Pacific county, number of judge positions reduced to two: *SHB 1704, CH 339

DIVORCE (See DISSOLUTION OF MARRIAGE)

DOGS (See also ANIMALS)

Dangerous dogs, judicial or administrative hearing procedure: SHB 1462
 Hunting dog training, Scatter creek wildlife area: SHB 2131
 Hunting dog training, workout, field trial, and show area to be developed by department of wildlife: HB 1798

DOMESTIC VIOLENCE

Community technical assistance grant program: HB 1741, *SHB 1884, CH 301
 Family violence pilot programs authorized: SHB 1882
 Homeless children, specialized child care and respite care: SHB 1614
 Service by publication, when allowed, procedure: SHB 1560

- Victim of crime benefits, revised eligibility standards, availability of counseling services: HB 1741, *SHB 1884, CH 301
- Victims, use of address designated by secretary of state to protect persons by restricting disclosure of their addresses: *SB 5906, CH 23
- Work and home addresses, disclosure prevented to protect person's life, physical safety, or property, effective date: *SHB 1511, CH 1

DRAINAGE

- Drainage districts or drainage improvement districts, dissolution procedures: *SHB 1460, CH 28

DRAINAGE DISTRICTS

- Cities, first class cities allowed to remove themselves from a drainage district: HB 1930
- Commissioners, per diem compensation: SSB 5020, *SHB 1194, CH 349

DRIVERS' LICENSES

- "Resident" defined for purpose of obtaining driver's license: *SB 5290, CH 73
- Driving instructors and schools, information on effect on driving of alcohol and drug use: *SHB 1919, CH 217
- Driving while suspended or revoked in the first degree, habitual traffic offenders, penalties: HB 1182, *SSB 5266, CH 293
- Highway safety fund, drivers' license fees: HB 1801
- Juveniles, revocation of driving privileges based on local ordinance: *SB 5053, CH 260
- Recision of revocation of driving privileges, circumstances requiring: *SHB 1704, CH 339
- Recreational vehicle drivers, special licensing study: HB 1799
- School attendance, revocation of license or instructional permit when licensee withdraws from school: HB 1768
- Social security number on application required: HB 1803
- Suspension or revocation for drug and alcohol violations: HB 2097
- Suspension, investigation of driving ability required before reissuance: HB 1415
- Towing and storage charges, license not issued to persons owing: SHB 1324
- Treatment driver's license for person with revoked privileges, application procedures, conditions: HB 2097

DRIVING WHILE INTOXICATED

- "Driving while intoxicated" changed to "driving under the influence of intoxicating liquor or any drug": *HB 1757, CH 290
- Blood and urine testing for drugs authorized, procedures: HB 1724
- Driving privileges, recision of revocation, circumstances requiring: *SHB 1704, CH 339

Intoxication, standard for measuring intoxication: HB 1151, SB 5067, SSB 5069

Negligent driving in the first degree, defined and penalties established: SHB 1183

Punitive damages for personal injuries or deaths resulting from driving while intoxicated: SHB 1676

Vehicular homicide or assault, drug and alcohol evaluation and treatment required as a condition of sentencing: *SHB 1886, CH 348

DRUG ABUSE (See ALCOHOL AND DRUG ABUSE)

DRUGS

Children, delivery to child under twelve to be sentenced to not less than ninety-nine years: HB 2177

Confiscated property, violations of controlled substances law, landlord's claims for damage to property: HB 1130

Controlled substances, reporting procedures for Schedule II controlled substances: SHB 1163

Controlled substances, sale near a preschool prohibited, penalties set: HB 2148

Controlled substances, selling for profit, penalties increased: *HB 2073, CH 32

Crimes involving minors, second violation a class B felony: HB 2094

Criminal profiteering and drug asset forfeiture laws, attorney general to assist local governments and state agencies to utilize: *SSB 5882, CH 345

Driving under the influence, blood and urine testing authorized, procedures: HB 1724

Financial assistance to be denied college student convicted of drug offense: HB 1893

Food, drug, and cosmetic act, technical revisions: *HB 1955, CH 162

Forfeiture of vehicles used in the sale and purchase of illegal drugs, vehicles subject to forfeiture: HB 1615

Gang and drug-involved juvenile offenders, three-step transitional treatment program: *SHB 1608, CH 326

Infants exposed to drugs, program to assess and monitor: SSB 5193

Labeling information, over-the-counter medications, manufacturer responsibilities: *SHB 1008, CH 68

Legend drugs, identification and labeling system, board of pharmacy rule: HB 2017

Marihuana growing and selling, penalties increased: HB 1698

Prescription drugs, insurance policies prohibited from limiting where prescriptions may be purchased: SHB 1069

Prescription drugs, nurse practitioners, authority of advanced practitioners to prescribe drugs: HB 1138, SSB 5635

- Prescription drugs, pharmacist's duty to supply information to patient regarding risks and adverse reactions: HB 1003
- Prescriptions written by authorized out-of-state prescribers may be filled by pharmacies in Washington: *SHB 1789, CH 30
- Prescriptions, birth control drugs, sales and use tax exemption: HB 1533
- Prescriptions, filling of a prescription written by a nonstate-licensed authorized prescriber after six months permitted: HB 1110, SB 5109
- School bus drivers, drug and alcohol testing and retesting allowed, conditions: HB 2176
- Uniform controlled substances act, comprehensive revision: SHB 2028
- Veterinarian authorized to dispense legend drugs prescribed by another veterinarian: SHB 1237, *SSB 5381, CH 47

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- School preparedness policy, requirements: HB 1266

EASTERN WASHINGTON UNIVERSITY

- Construction, appropriation for minor repairs and improvements: HB 1178
- Enrollment level increased: HB 1319, HB 1549, SSB 5174
- Honorary degrees, authority to award, conditions: *HB 1143, CH 58
- Washington family policy center, study of rural family policy issues: HB 1420

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- Air and water related permits, fee increases limited: HB 1973
- Air pollution, order compliance factors beyond person's control, modification of requirements: SB 5746
- Air quality laws, revised powers and duties under: *SHB 1028, CH 199
- Alternative fuel and solar powered vehicles, research and development: HB 1754
- Aquatic plants control, coordinated lake management program: *SHB 1389, CH 302
- Clean-fuel performance and clean-fuel vehicle emissions specifications, development duties: HB 1902
- Comprehensive flood control management plans, duties: SHB 1490
- Degraded rivers, biennial report: SHB 1836
- Detergent phosphorus content limits, duties: HB 1388
- Disposal facility capacity needs, department to assess need: SHB 1865
- Environmental excellence award grant program created, departmental duties: HB 2149
- Flood control permit applications, pilot cooperative, interjurisdictional permit processing program, duties: *SSB 5411, CH 322
- Flood plain management, may adopt by rule a plan if local governments fail to adopt a plan by October 31, 1991: SB 5704
- Hanford reservation, determination of rent on lands subleased from department for leasehold tax purposes: *SSB 5756, CH 272

- Hazardous substance release on real property, reporting and notice requirements: SSB 5055
- Hazardous substance transportation issues, department of ecology and office of marine safety study: *SHB 1027, CH 200
- Nooksack river sediment transport study, department to conduct: *SHB 1864, CH 337
- Oil spill response responsibilities: *SHB 1027, CH 200
- Packaging and packaging components, compliance certification requirements: *2SSB 5591, CH 319
- Paper mill waste, study impacts of regulating: HB 2029
- Pulp mills, issuance of permits for discharge of chlorinated organic compounds prohibited until federal government issues final guidelines: 2SSB 5724
- Recycling funding, task force established, department duties: SHB 1459
- Scrap metal recycling, hazardous waste components, identification and management practices: HB 2091
- Tires, waste tire recycling or energy production, grants for projects: SB 5878
- Trust water rights, acquisition and management by department of ecology: *SHB 2026, CH 347
- Underground storage tanks, cleanup financial assistance to owners and operators, conditions: HB 2114, *SSB 5806, CH 4
- Underground storage tanks, removal or closure, department statement that action conforms to departmental rules: SSB 5055
- Waste reduction, packaging materials target recycling rate, duties: HB 1826
- Water discharge fees, revised provisions: 2SSB 5534, *SHB 1649, CH 307
- Water management, areas without significant water resource problems designation, duties: SSB 5765
- Water resources program: SHB 1851
- Water rights claims with priority date prior to June 6, 1917, procedure and filing in claim registry: SHB 1582, SB 5389
- Water rights, seasonal use right change to yearly use right, transfer criteria: SSB 5807
- Water system inerties allowed, proposal review duties: HB 1443, *2SSB 5358, CH 350
- Water well construction, revised regulatory provisions: HB 1453

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- Agriculture, in-state marketing opportunities, urban-rural links: HB 1977
- Circuit rider assistance program, technical and funding assistance: HB 2072
- Convention, tourism, and economic development promotions, business and occupation tax exemption: HB 1898, SB 5661
- Growth management act, state-wide and rural economic development encouraged: *SHB 1025, CH 32 E1
- Hanford area economic development account established, investment fund committee created: *SSB 5756, CH 272

- Industrial growth management demonstration pilot project, Yakima county:
SHB 1998
- Pacific Northwest export assistance project, purposes and duties: HB 1990,
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- Pacific northwest economic region established: *SSB 5008, CH 251
- Private enterprise review commission created, membership and duties: HB
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- Public forests commission created, membership and duties: SHB 1583
- Social and health services policy act, impact statement requirements: HB
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- Timber impact areas, public works loans authorized: HB 1645, *SHB
1341, CH 314
- Timber-dependent areas, funding of small-scale tourism projects: *SSB
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EDUCATION, STATE BOARD OF

- Academic contests account: HB 1149
- Adult education powers, duties, and functions transferred to state board for
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- Certification of teachers, duties: HB 1170
- Commission on functional competence, implementation of essential core
competencies necessary for high school graduation: HB 1545
- Corporal punishment in schools, policy: HB 1159
- Education code technical changes: *HB 1264, CH 116
- Educational staff associate certification, continuing education requirements:
*SHB 1196, CH 156
- Educational staff certification, out-of-state courses: *HB 1139, CH 155
- Excellent school building program: HB 1223
- High school graduation requirements, authority: HB 1912
- Master's degree equivalency standards for vocational instructors: HB 2190
- Master's degree requirements: HB 1307, HB 2190
- Noncertificated persons, eligibility to teach without supervision, rulemaking
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- School district boundary changes, procedural requirements, appeal by
petitioners: HB 1951
- Siting decisions, review denial of permit to build on a proposed site: SB
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- Student learning alternative program, application: HB 1521
- Student teacher centers program, establishment: *SSB 5504, CH 258
- Student teaching centers established, duties: *SHB 1813, CH 285
- Student transportation safety, state assistance for school plant facility
construction: HB 1175
- Teacher certification examinations, revised requirements: 2SSB 5919
- Teacher certification, alternative method for persons with baccalaureate
degree and extensive, relevant work experience: SB 5640, 2SSB 5919

Teacher certification, ethnic diversity education throughout curricula: SHB 1365

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Architectural and engineering services, review of procurement and use of: HB 1132

Extension of commission for additional four years: HB 1038, *SB 5042, CH 53

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"Community standards," authorized means of expressing and establishing: HB 1978

"Short term" defined for partisan and nonpartisan elective offices: HB 2090
Absentee voting, establishment of satellite offices: HB 1697

Candidate must reside in district or jurisdiction from which candidate elected: HB 1516

Candidates' pamphlet, secretary of state to bill each candidate for prorated space in pamphlet: HB 1593

Candidates, residency, election officers to review candidate's filings to determine: SHB 1209, *SSB 5156, CH 178

Candidates, withdrawal of declaration of candidacy to declare for different office: HB 1076

Challenges to elections that concern bonds or levies must commence within one hundred eighty days of election: SHB 1827

Contribution limits and reporting requirements: HB 1640

Division of elections in office of secretary of state created: HB 1711

Election integrity act of 1991: HB 2167

Facsimile filing of election documents authorized: HB 1041, *SB 5043, CH 186

Filing fees, candidate without sufficient assets to pay, review procedures: HB 1596, SB 5619

General elections, names of top two vote getters in primary for nonpartisan position to appear on general election ballot: SHB 1001

Incorporation of new city or town, prohibition on new election following failed election, revised provisions: SB 5139, *HB 1013, CH 360

Nonpartisan elections, judicial election procedures: HB 1074

Precinct committee officers, election procedures: HB 1075

Precinct election officers, appointment procedures: *HB 1071, CH 106

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Primary elections, judicial elections, when primary not required: SHB 1001

Primary elections, school district directors, when primary not required: SHB 1001

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- Sheriffs, nonpartisan except in counties where home rule charter declares it to be partisan: SHB 1715
- Special districts, hearings and elections procedures: *SHB 1194, CH 349
- Special elections, local special election held in conjunction with general election, resolutions to be submitted sixty-five days before: HB 1592
- Special elections, local special election held in conjunction with presidential primary: SHB 2089
- Voter address verification, revised procedures: HB 1554
- Voter registration before election: HB 1099, HB 1217
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- Voter registration records and procedures: *HB 1072, CH 81
- Voters' pamphlet arguments, committees to prepare local pamphlet arguments: HB 1594
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- Cities and towns, placement of electrical facilities: SHB 1198
- Electrical and heat service assistance programs for low-income persons continued: *HB 2059, CH 165
- Electrical utilities and contractors exempted from licensing requirements, conditions and limitations: HB 2053
- Energy conservation tariff, utilities to file: SHB 1335
- High voltage power line siting, state preemption of field: HB 1613
- Home heating assistance for low-income persons extended: SB 5904
- Island inhabitants, loss of electricity during storms: HB 1650
- Public service companies, ratemaking: *SSB 5770, CH 122
- Transmission lines and magnetic fields, interim policy to limit: HB 1547

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- 911 network, state-wide enhanced 911 network created: *SHB 1938, CH 54
- Abstract of driving record exclusion for public workers driving official vehicles in emergency situations: HB 1318
- Alcohol or drug caused emergency responses, public agency authorized to recover costs from person convicted of being under influence: SHB 1636
- Communications systems or services, immunity from civil liability for errors or omissions under specified circumstances: *SHB 1938, CH 54
- Disaster assistance fund, authorized uses of moneys: HB 1773
- Medical care services, local tax levy, restrictions: *SHB 1635, CH 175
- Patients and clients of public emergency medical service, confidentiality of personal information: SHB 1275
- Radio dispatch personnel included in definition of "uniformed personnel" for collective bargaining: SHB 1959
- Sudden infant death syndrome and other sudden, unexplained child deaths, training of first responders, coroners, and others: *HB 1032, CH 176

EMPLOYER AND EMPLOYEE

- Business and occupation tax credit for employer providing child care assistance: HB 1538, SHB 1637
- Child and family care: HB 1476, SHB 1808
- Closure or relocation of business, employer responsibilities to employees: HB 1278, HB 1477
- Employee may use sick leave to care for child under one year of age: HB 1347
- Employee noncompetition agreements: SSB 5526
- Family leave for employee to care for family member, discrimination against employee exercising rights prohibited: HB 1474
- Lockouts, eligibility of workers for unemployment compensation: HB 1279
- Medical examinations, payment for time lost while attending for industrial insurance: HB 1285
- Overtime work, discrimination for refusal to work prohibited: SHB 1475
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- Retaliatory actions by employer against employee who makes good faith report of potential wrongdoing prohibited, remedies: HB 2068
- Safety bonus programs, criteria established: SHB 1284
- Video display terminals, safeguards: HB 1680

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- Basic health plan, small businesses eligible to enroll in plan: HB 1701, HB 2076
- Child labor laws enforcement, penalties: HB 1288, HB 1472
- Commuting, reduction of single occupant vehicle commuting, duty of employers: *2SHB 1671, CH 202
- Family leave for employee to care for family member, discrimination against employee exercising right prohibited: HB 1474
- Health hazards to workers and public, identification and reduction in use of pesticides: HB 1765
- Job training partnership account created, department of employment security duties: SHB 2006
- Partners in education program, leave from employment authorized: SHB 1653
- Rehabilitation of criminal offender, use of criminal history background check to determine status of prospective employee: HB 2055
- Timber workers, counter-cyclical program for dislocated workers, employment and counseling opportunities: HB 1600, *SSB 5555, CH 315
- Tipped employee, credit for tips to be computed into determination of minimum wage: HB 1584
- Tobacco, unfair practice to require individual to abstain from legal tobacco use away from place of work: HB 1617

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- Business assistance program, duties: HB 1570, HB 1731
- Cultural awareness retreats, provision of job counselors: *SSB 5830, CH 296
- Dislocated timber industry workers: SHB 1314, SHB 1315, HB 1341, *SSB 5555, CH 315
- Homeless persons, employment services program: HB 1922
- Industrial insurance premiums and unemployment compensation contributions, contractor avoidance, study: *HB 1244, CH 34
- Job training partnership account, allocation duties: SHB 2006

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- Energy code, amendments to state energy code for nonresidential buildings, amendments: HB 2061, *SSB 5770, CH 122
- Energy facility site certification: HB 2174
- Energy facility site evaluation council, siting of high voltage power lines, duties: HB 1613
- Energy office, state energy strategy and public sector energy use reduction, duties: SHB 1022, *SSB 5245, CH 201

ENGINEERS

- Fees and fines, deposit in professional engineers' account: SSB 5554, *SHB 1496, CH 277
- On-site sewage disposal systems design and installation, authority for certified designer to practice: HB 2074
- Registration board membership modified: HB 1308
- Registration requirements: HB 1117, *SB 5103, CH 19

ENVIRONMENT

- Air pollution, order compliance factors, modification: SB 5746
- Aquaculture, environmental impact statement: HB 1252
- At risk coastal resources, Olympic natural resources center study: SHB 2047
- Balloons, release of lighter than air balloons prohibited: HB 1033
- Compensation for land value loss resulting from environmental protection measures: HB 1695
- Environmental excellence award grant program created: HB 2149
- Environmental impact statements, threshold determination completed in fifteen to thirty days: HB 2063
- Food and environmental quality laboratory established, duties: *SHB 1426, CH 341
- Forest practice permits, fees: HB 1854
- Game fish, purchase of resident game fish from aquatic farmer allowed for stocking for mitigation purposes, requirements: SSB 5343
- Oil heat tank pollution liability act: HB 1896

Pesticides, identification and reduction in use of pesticides that pose health hazards to workers and public: HB 1765
 Social and health services policy act, impact statement requirements: HB 1684
 State parks, environmental interpretation activities: SSB 5225, *SHB 1112, CH 107

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Energy self-sufficiency commission, study production and use: HB 1590
 Gasohol, all gasoline sold after January 1, 1993, to be gasohol: HB 1580
 Gasohol, motor vehicle fuel tax exemption extended: *HB 1883, CH 145
 State fueling facilities, gasohol as passenger vehicle fuel: HB 1591

EVERGREEN STATE COLLEGE, THE

Construction, appropriation for minor repairs and improvements: HB 1178
 Enrollment, state-funded enrollment level increased: HB 1319, HB 1549, SSB 5174
 Honorary degrees, authority to award, conditions: *HB 1143, CH 58

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Juvenile court, admissibility of children's statements, provisions: *SHB 1830, CH 169
 Public records of another state, evidence in Washington courts: *SB 5004, CH 59
 Suppression prohibited if evidence collected in good faith belief of its legality: HB 1719
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International placement organizations, registration requirements: *SHB 1051, CH 128
 International student exchange, task force, membership and duties: *SHB 1051, CH 128

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At-risk youth legislation: SHB 1901
 Child care partnership expanded to include family care: HB 1476
 Community-based family support center program: SHB 1714
 Family impact statement, required before government entities act: HB 1745
 Family leave for employee to care for family members, provisions expanded: HB 1474
 Family reconciliation act, review task force: SHB 1901
 Family reconciliation services: *SHB 1608, CH 326
 Family support centers, grants for operation of community-based: HB 2083

Family violence pilot programs authorized: SHB 1882
 Foundation for families act enacted: SHB 1471
 Long-term care of children, family resource options and involvement: SSB 5820
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 Safe houses for runaway and street youth, establishment: HB 1604
 Schools and family program, grants, funding: HB 1879
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 Mental health services for children, biennial inventory: SHB 1609, *SHB 1608, CH 326
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 Receivables, interest on past due debts, rulemaking authority: *HB 1228, CH 85
 Retired and disabled public employee health care benefits, study, duties: SHB 1796
 State convention and trade center, completion costs to include construction litigation settlement costs: *HB 1818, CH 2
 State of the children report, biennial analysis of children placed in out-of-home care settings: HB 1498
 Strategic planning process for state government, joint executive/legislative committee on planning, duties: HB 1873

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Collective bargaining extended to uniformed personnel of all cities, towns, and counties: HB 1362
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Duty hours, provisions revised: SHB 1475
Fire district commissioner serving as volunteer fire fighter, reimbursement of expenses not considered compensation: HB 1193
Occupational diseases, heart disease and cancer: HB 1497
Public safety-related organizations solicitation of charitable contributions, identification of caller required, penalties: HB 2101
Radio dispatch personnel included in definition of "uniformed personnel" for collective bargaining: SHB 1959
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Fire service training center bond retirement account reestablished: *SHB 1058, CH 13 E1
Fire services trust fund created, code enforcement, education, and administration: SHB 1679, *SHB 1852, CH 135
Forest fires, interstate forest fire suppression compact: *SHB 1208, CH 131
Forest fires, investigative duties of department of natural resources: SHB 1205
Lighted material thrown away in forest, range, brush, or grain areas, gross misdemeanor: HB 1769
Schools, automatic fire-extinguishing system required in newly constructed schools: SHB 1276, *SSB 5261, CH 170
Separate fire protection contract between city or town and state agency allowed: HB 2186
Smoke detectors, fine: *HB 1096, CH 154
Sprinkler systems, installation of inoperable systems, class C felony: SHB 1821

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Armed private detectives, firearms registration and training requirements: *SHB 1181, CH 328
Armed private security guards, firearms registration and proficiency requirements: SHB 1180
Capitol buildings, firearms prohibited: SHB 1202
Community corrections officers authorized to carry: HB 1079
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Criminal offenders, possession of firearms or ammunition prohibited, penalties: *SSB 5825, CH 221

Intoxication, standard for measuring intoxication: HB 1151, SB 5067, SSB 5069

Law enforcement agencies, forfeited firearms, conditions and procedures: HB 1966

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Agricultural nuisances, fish and fish products included in definitions: *SHB 1954, CH 317

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Fish and fish products by private sector aquatic farmers included in definition of "agricultural activity": SHB 2104

Game fish mitigation program, purchase of game fish from aquatic farmers for stocking purposes: SSB 5343, *SHB 1416, CH 253

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Salmon payback plan, plan to correct overestimation of salmon catch by recreational fishers: HB 1987

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Skagit river salmon recovery plan: SB 5675

Species list of fish that may be commercially harvested and sold: HB 1860

Sturgeon fisheries closure: HB 1905, HB 2159

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- Hood Canal salmon management: SSB 5158
- Incidental catch of fish, study: HB 1860
- Marine fish enhancement research program created, additional stamp required on charter boat license: HB 1011
- Nets, recovery of lost, abandoned, or discarded nets, duties and responsibilities: SHB 1012
- Salmon licenses, requirements for issuance: *SSB 5501, CH 144

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- Fees, rates for hunting and fishing fees for consumptive programs: SSB 5130
- License fees: HB 1437, HB 1822, SHB 1850
- Marine fish enhancement research program, additional stamp required on personal use license: HB 1011
- Regional fisheries enhancement groups, organization and funding: HB 1437
- Salmon guides, license: *SSB 5082, CH 362
- Salmon payback plan, plan to correct overestimation of salmon catch by recreational fishers: HB 1987
- Steelhead punchcard, regional game fish enhancement group account: HB 1437
- Surgeon, recreational harvest adjustment to increase population: HB 2159

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- Flood control management and protection, comprehensive state program of in cooperation with counties and cities: SHB 1490, SHB 1491, HB 1772, *SSB 5411, CH 322
- Flood damage alleviation, coordinated state policy for implementation of state laws: HB 1770
- Flood plain management, local government plan that equals federal program requirements: SB 5704
- Nooksack river sediment transport study, department of natural resources: HB 1864
- Real property, flood plain location statement must be on conveyances, remedies: HB 2122

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- Directors, per diem compensation increased: *SHB 1194, CH 349

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- Food, drug, and cosmetic act, technical revisions to the uniform act: *HB 1955, CH 162

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Salmon labeling, identification requirements: *HB 1572, CH 232

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Fees on forest practice permits, costs related to environmental protection: HB 1854

Forest burning, emission reduction program: *SHB 1028, CH 199

Forest lands, department of natural resources authorized to purchase and manage for sustainable commercial forestry: SSB 5445

Forest resources conservation and shortage relief act of 1990, department of revenue and department of natural resources duties: SSB 5925

Lighted materials thrown away in forest, range, brush, or grain areas, gross misdemeanor: HB 1769

Public forests commission, membership and duties: SHB 1583

Pulp wood and timber, highway rights of way plantings, potential source of: HB 2003

Sustainable forestry act adopted: HB 1823

Woodland stewardship assistance for nonindustrial forest and woodland owners, program established: *HB 1812, CH 27

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Citizen review boards, revised duties: SHB 1940, *2SSB 5127, CH 127

Complaint process, children and family services division, procedures established: *SSB 5916, CH 340

Complaints against department of social and health services, judicial review of reprisals or retaliatory actions taken against complainant: *SHB 1608, CH 326

Liability insurance for foster parents, secretary of social and health services to provide: *2SSB 5341, CH 283

License renewal for foster family home, deadline for requesting renewal: HB 1053, *SSB 5090, CH 14

Permanent placements for dependent children, goal of placement with biological or adoptive family as soon as possible: SSB 5665
 State of the children report, biennial analysis of children placed in out-of-home settings: HB 1498

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Amusement games, licensing requirements clarified: *SB 5745, CH 287
 Bookmaking, revised provisions and penalties: *SB 5441, CH 261
 Charitable fund raising events, game types authorized: HB 2121
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 Indian gaming compacts, joint legislative committee, review: HB 2080, SB 5860
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 Raffles, alcoholic beverages in unopened containers as prizes, when allowed: *SSB 5776, CH 192
 Raffles, nonprofit and charitable organizations authorized to conduct raffles with revenues not to exceed ten thousand dollars per year: HB 1931
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 Pesticides, specifications for pesticide purchase consistent with integrated pest management practices: SHB 1486
 Prisons, new construction expedited, department duties: *SHB 1777, CH 130
 Recycled products, increased purchase and use, duties: *2SSB 5143, CH 297
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Growth management act, noncompliance by state agency, county, or city, governor may impose fiscal sanctions: *SHB 1025, CH 32 E1

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 Juvenile court records of persons under twenty-six years of age, courts and counsel allowed to review: HB 2179
 Juvenile issues task force created, membership and duties: *2SSB 5167, CH 234
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Community councils, formation in unincorporated areas authorized: HB 1009

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- Early retirement allowance reduced: HB 1384
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Converter gears and tow dollies, exemption from licensing requirements: *HB 1995, CH 163

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Vehicle dealer plates, revised requirements: *HB 1878, CH 140

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Consumer loans, higher interest rates authorized for borrowers who represent a higher than average credit risk, licensing and practice requirements: *SHB 1743, CH 208

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- Local improvement districts, creation and financing by local governments, optional procedure: HB 1014
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- Uniform controlled substances act, comprehensive revision and update, penalties increased for violations: SHB 2028

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- Regional support networks, children's mental health delivery systems, development and implementation, duties: *SHB 1608, CH 326
- Regional support networks, community mental health practitioners salary parity: HB 1914
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- Regional support networks, implementation, planning, and funding requirements, revised provisions: SHB 1609
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- War-related stress disorders, educational, informational, and referral services to be provided by department of veterans affairs: *SHB 2095, CH 55

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- Assault on staff at state hospitals for the mentally ill, class C felony: HB 1345, SSB 5199
- Children, early identification and treatment of severely emotionally disturbed children: *SSB 5670, CH 306
- Employment services, part of mental health programs: *SHB 1915, CH 29
- Minors with mental disorders, involuntary treatment, procedures: HB 1418, *2SSB 5025, CH 364
- Real property acquired for institutional purposes or the benefit of disabled persons, management plan requirements: *SSB 5332, CH 204

Regional support networks, housing trust fund priorities for projects supporting housing needs of mentally ill persons submitted by: *SSB 5669, CH 295

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Credentialing by endorsement authorized: *SHB 1960, CH 332

Heirloom birth certificate program, use of receipts for midwife scholarship and loan program: SHB 2084

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Militia, technical corrections: HB 1706, *SB 5586, CH 43

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Property tax, interest and penalties prohibited on delinquent 1991 taxes on personal residences of military personnel serving in Persian Gulf: *SSB 5928, CH 52

Public employees granted leave to report for active duty when called on or after August 2, 1990: *HB 1364, CH 25

State guard, name changed to Washington state defense force: HB 1707

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- Owner to pay five dollar fee for each occupied lot, exceptions: *SHB 1440, CH 327
- Purchase by tenant organizations, notice and opportunity requirements in event of voluntary sale of park: HB 2169
- Relocation assistance, park owner responsibilities: SHB 1841, *SHB 1440, CH 327

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- Lenders to allow customers to choose how residential mortgage impound accounts interest be spent: HB 1874

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- Identifying name and number, display requirements: *SSB 5295, CH 241
- Permit applications, copies of contracts: HB 1273, *SB 5221, CH 41
- Resident brokers and forwarders to be bonded and registered: HB 2005, *SHB 2005, CH 146

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- "Redeemable credits or deposits" on batteries, starters, and brakes, exemption from business and occupation tax: SSB 5435
- Buses, length restrictions: *HB 1118, CH 113
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- Collector vehicles, use of single license plate: HB 1484

- Commuter trip reduction task force, membership and duties: *2SHB 1671, CH 202
- Commuting, reduction of single occupant vehicle commuting: *2SHB 1671, CH 202
- Dealers, established place of business requirements, revised provisions: *SHB 1704, CH 339
- Dealers, license plates, revised requirements: *HB 1878, CH 140
- Dealers, licensing provisions revised: HB 1618, SHB 1703
- Driving under the influence of alcohol or drugs, blood and urine testing authorized, procedures: HB 1724
- Driving while intoxicated, punitive damages for personal injuries or wrongful death: SHB 1676
- Driving while suspended or revoked in the first degree, habitual traffic offenders, penalties: HB 1182, *SSB 5266, CH 293
- Emission control systems, study benefits of adoption of California vehicle emission standards: *SHB 1028, CH 199
- Excise tax, "clean fuel vehicle" defined, exempted from tax: HB 1754, HB 1902
- Fifty-five mile per hour, state-wide maximum speed limit: HB 1451
- Forfeiture of vehicles used in the sale and purchase of illegal drugs: HB 1615
- Fuel tax, assessment and collection, revised provisions: *SHB 1704, CH 339
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- Impounded vehicles, notice to owner, requirements: *SSB 5276, CH 20
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- Lemon law, self-propelled agricultural equipment included in coverage: HB 1526
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- Licenses and permits, fees collected by county auditor subagents adjusted: HB 2160
- Licenses, converter gears and tow dollies, exemption: *HB 1995, CH 163
- Licensing and registration requirements, revised provisions: SHB 1703
- Licensing department agents and subagents, appointment, disclosure of costs and revenues, standard contracts: HB 2023
- Licensing department subagents, appointment by county auditor, service fee amounts set: *SHB 1704, CH 339
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- Manufacturers and distributors, excise tax paid to scrap metal recycling account: HB 2091
- Measure of damages established: SHB 1573
- Model traffic ordinance, update provisions: *HB 1431, CH 118
- Motorist information signs, revision and recodification of definitions: *SSB 5720, CH 94
- Natural gas, development of refueling stations for users of compressed natural gas as motor vehicle fuel: *SHB 1028, CH 199
- Negligent driving, penalty: SHB 1183
- Pedestrians, vehicle operator's obligation to stop to allow pedestrian in crosswalk to cross intersection: SHB 1934
- Rental of fleet vehicles, additional sales tax: HB 1820
- Rental vehicles, legislative transportation committee study: *SSB 5611, CH 244
- Right hand lane use by motor vehicles with gross weight of ten thousand pounds or more required, exceptions: SSB 5237
- Safety belts, enforcement of safety belt law: SHB 1503
- Seizure, forfeiture of motor vehicle of driver whose license suspended or revoked: HB 1260
- Size and weight load limit violations, state patrol highway account: HB 1989
- Sobriety checkpoint programs authorized: HB 2013
- Special fuel tax, assessment and collection, revised provisions: *SHB 1704, CH 339
- State employees, disabled, exempted from automobile license fees: HB 1078
- Taxicabs, bonding requirements, minimum amount: HB 1953, HB 2107

Tires, studded tires, period for which use is authorized reduced: SHB 1154
 Title and registration fees, reimbursement of county for operational losses
 in collecting fees: SHB 2024
 Traffic offenses designated as criminal offenses, revised listing: *SHB
 1704, CH 339
 Traffic safety and enforcement account, programs related to driver and
 vehicle safety: SB 5432
 Truck weight study to assess amount of payment damage due to
 containerized cargo into and out of Washington ports: HB 2168
 Vehicular homicide, definition and defenses: HB 1134, SB 5068

MOTORCYCLES

Audio headsets and earphones, patrol approved equipment: *SB 5041, CH
 95
 Helmets, temporary exemptions for special community activity: HB 1512
 Instruction permit restrictions revised: SB 5442

NATIONAL GUARD

Tuition waivers at state colleges and universities: SHB 1097
 Washington national guard day created: *SB 5678, CH 57

NATURAL DEATH ACT

Amended provisions: HB 1481

NATURAL GAS

Energy conservation tariff, companies to file: SHB 1335
 Motor vehicle fuel, refueling stations development: *SHB 1028, CH 199
 Weatherization for low-income residences, companies to submit plan: SHB
 1335

NATURAL RESOURCES

Center for sustaining agriculture and natural resources established, activities
 and duties: *SHB 1426, CH 341
 Forest burning, emission reduction program, duties: *SHB 1028, CH 199
 Local government, regulations to protect natural resource lands: SHB 1673
 Natural resources of state-wide significance, identification and protection:
 *SHB 1025, CH 32 E1
 Olympic natural resources center, organization, administration, and duties:
 *SHB 1877, CH 316
 Seaweed harvesting, regulation on state-owned aquatic lands: SHB 1455
 Timber, processing of timber within timbershed of origin required for
 restricted timber from sales from department lands: HB 2000
 Valuable materials, beds of navigable waters, removal and sale, revised
 provisions: *SSB 5411, CH 322

NATURAL RESOURCES CONSERVATION AREAS

Acquisition and management of, revised provisions: SHB 1204, *SSB 5612, CH 352

NATURAL RESOURCES, DEPARTMENT OF

Aquatic lands, removal of sand and gravel by public agency for public purposes: *SHB 1864, CH 337

Community and urban forestry program, departmental duties: SHB 1111, *SB 5264, CH 179

Cooperative resource management programs, grant program established: HB 1823

Forest fires, departmental investigative duties: SHB 1205

Forest lands, authorization to purchase and manage for sustainable commercial forestry: SSB 5445

Forest lands, reconveyance to counties of lands leased for sanitary landfills: *HB 1267, CH 10

Forest practices act, revisions: HB 1823

Forest resources conservation and shortage relief act of 1990: SSB 5925

Geothermal resources, guidelines and procedures for development: *HB 1277, CH 76

Interest rates, department-wide policy to determine: *SB 5722, CH 64

Leases for onshore and offshore facilities, required provisions: *SHB 1027, CH 200

Natural resources conservation areas, acquisition and management, revised provisions: *SSB 5612, CH 352

Nooksack river sediment transport study: HB 1864

Pulp wood and timber, highway rights of way plantings to provide potential source, duties: HB 2003

Purchase or exchange of tax-paying parcel of land, requirement that county receive property of equal or greater tax value: HB 1967

Real property acquired for institutional purposes or the benefit of disabled persons, management plan requirements: *SSB 5332, CH 204

Sanitary landfills, reconveyance of leased forest lands to counties: *HB 1267, CH 10

Timber workers, employment of dislocated workers under the counter-cyclical program: HB 1600, *SSB 5555, CH 315

Woodland stewardship assistance for nonindustrial forest and woodland owners, program established, duties: *HB 1812, CH 27

NONPROFIT ORGANIZATIONS

Business and occupation tax exemption, auction sales by nonprofit organizations: *SHB 2187, CH 51

Business and occupation tax exemption, payments and contributions by public entities to promote conventions, tourism, and economic development: HB 1898, SB 5661

Fund raising events, reference to fund raising events removed from list of gambling games authorized for these groups to conduct: HB 1763, SB 5940

Homeless persons, property tax exemption for organizations providing housing: *SHB 1789, CH 30

Nonprofit corporations, fees for nonprofit corporation filings increased: *HB 1853, CH 223

Raffle prizes, bottled liquor may be offered: HB 2123

Raffles, tax exemption on income from raffles not exceeding ten thousand dollars per year: *SHB 1931, CH 161

Sales tax and business and occupation tax exemptions for organizations serving meals for fundraising purposes: HB 1067, SSB 5929

Video card games, authority to operate, conditions and taxation: SHB 1652

NUISANCES

Agricultural nuisances, definitions revised: SSB 5097, *SHB 1954, CH 317

Agricultural practices conforming to all laws and rules may not be restricted as to time of day or day of the week: *SHB 1954, CH 317

Moral nuisances, upper limit on civil fine increased: HB 1978, SSB 5644

NURSERY SCHOOLS (See KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS)

NURSES

Advanced registered nurse practitioners, scope of practice and licensing requirements: HB 1138, SSB 5635

Clinical privileges and staff membership to be extended to nonphysician practitioners within the scope of their practice: SHB 2084

Nursing assistants, licensing requirements: HB 1908, *SSB 5796, CH 16

Practical nurses, licensing requirements: HB 1257, *SSB 5204, CH 84

School nurses, initial and continuing certification, rules: HB 1658

Surgical care, delegation of preoperative and postoperative care, limitations on: HB 1968

NURSING HOMES

Administrators, licensing and practice requirements: HB 1258, SSB 5203

Aging and adult services, advisory council, membership and duties: HB 1124

Auditing and cost reimbursement, compliance with requirements relating to land, depreciable assets, and resident finances: SHB 1123

Certificate of need, exemption for continuing care retirement community construction: *SHB 1586, CH 158

Cost index lid, prospective rates for nursing services cost center: HB 1253

Ethnic minorities, pool of two hundred-fifty nursing home beds to serve special needs established: *SHB 2100, CH 271

- Hospitalization of medicaid recipient, provider to hold bed open for at least five days following discharge, medicaid reimbursement rate: SHB 1226
- Immunization schedule compliance for all personnel required, exceptions: SSB 5540
- Interdepartmental advisory council for persons with functional disabilities to replace nursing home advisory council: HB 1921
- Licensing and operating requirements, revised provisions: SB 5827, *HB 1890, CH 8 E1
- Nursing facilities, terms "nursing home," "skilled nursing facility," and "intermediate care facilities" removed: HB 1126
- Nursing pools providing temporary nursing services, regulation of rates: HB 1249
- Utilization review by department of social and health services: HB 1126

OCCUPATIONAL THERAPY

- Limited casualty program, occupational therapy coverage included: *SSB 5010, CH 233

OCULARISTS

- Licensing and practice requirements, revised provisions: HB 1863, *SSB 5632, CH 180

OIL AND GAS

- Acquisitions and mergers in the petroleum industry, notice to and review by the attorney general: HB 1611
- Compressed natural gas as motor vehicle fuel, development of refueling stations: *SHB 1028, CH 199
- Gasohol, all gasoline sold after January 1, 1993, to be gasohol: HB 1580
- Gasoline, local option sales and use tax authorized on gasoline to fund public transit and transportation systems: HB 2070
- Marine safety, office of marine safety created, powers, functions and duties transferred from department of ecology: *SHB 1027, CH 200
- Maritime commission, revised provisions: *SHB 1027, CH 200
- Motor vehicle fuels marketing: SHB 1924
- Natural gas, use of compressed natural gas as school bus fuel, report to analyze potential for: HB 1179
- Oil and hazardous substance spill prevention and contingency planning, authority and responsibility of director of ecology: *SHB 1027, CH 200
- Oil heat advisory committee created, membership and duties: HB 1896
- Oil heat commission created, membership, powers, and duties: HB 1720
- Oil spill response, responsible party liability: SSB 5876
- Oil transmission lines to conform to local zoning and environmental codes: SHB 1251
- Petroleum marketing practices, regulation: HB 1611

Recycling of used oil, public education requirements: SHB 1459
 Underground storage tanks, cleanup financial assistance to owners and operators authorized conditions: SHB 2114, *SSB 5806, CH 4
 Used oil, transporter and processor requirements: SHB 1459
 Vessel inspection, prevention plan, and contingency plan requirements for spill prevention, containment, and cleanup: *SHB 1027, CH 200

OPEN SPACES

"Open space land" redefined to include preservation of visual quality or scenic vistas: HB 1887
 Classification, revised terminology and procedures: SSB 5481
 Natural resource lands and critical areas, designation, requirements: *SHB 1025, CH 32 E1
 Preservation of open space and purchase of recreational and wildlife lands, reservation of portion of revenues from increased debt capacity for: SHB 1034
 Wildlife department lands held for wildlife habitat and recreation considered open space: HB 1370

OPTICIANS

Dispensing opticians, credentialing by endorsement authorized: *SHB 1960, CH 332

OPTOMETRISTS

Credentialing by endorsement authorized: *SHB 1960, CH 332

OSTEOPATHIC PHYSICIANS

Licensing and practice requirements, revised provisions: *SHB 1861, CH 160

OUTDOOR RECREATION

Clear Creek dam rebuilding project, funding: HB 1361
 License or permit is not fee for purposes of limiting liability of owner permitting recreational use of land: HB 1369, *SB 5630, CH 50

OXYGEN

Medically prescribed oxygen systems exempt from sales tax: *SHB 1317, CH 250

PACIFIC COUNTY

District court judges, number of positions reduced: *HB 1467, CH 354

PACIFIC NORTHWEST ECONOMIC REGION

Established: *SSB 5008, CH 251

PARENTS AND PARENTING

Child support schedule adopted: HB 2143
 Educational records of child, parent access, revised provisions: SHB 2154
 Educational rights and responsibilities of parents: 2SSB 5919
 Family court and family court services expanded, revisions: SHB 2155
 Income withholding actions or alternative arrangements for child support, revised provisions: SHB 2153
 Mediation, confidentiality requirements not applicable to postdecree mediation required pursuant to parenting plan: HB 1089
 Minors with substance abuse problems or mental disorders, involuntary commitment, parental request: HB 1418
 Modification of child support actions, filing, service, and response requirements, revised provisions: SHB 2154
 Modification of parenting plan, minor changes: HB 1087, SHB 2188
 Parent as first teacher pilot program: SHB 1749
 Parenting plan, confidentiality requirements not applicable to postdecree mediation required pursuant to: HB 1089
 Parenting plans, conditioning performance of one part of plan upon performance of another to be considered bad faith act: SHB 2188
 Sexual assault of child, restrained visitation rights: *SHB 1534, CH 267
 Termination of parental rights, conditions warranting permanency plan that seeks termination: SSB 5665
 Wage assignment orders for child support, revised provisions: SHB 2153

PARKING

Disabled parking privileges, revisions: *SHB 1704, CH 339
 Disabled persons, fines increased for improper parking: SHB 1634
 Special parking privileges, revisions: SHB 1703
 State agencies and facilities, parking and transportation management advisory committee, duties: SHB 1564
 State owned and leased property, fees: *SHB 1430, CH 31 E1

PARKS AND RECREATION COMMISSION

Boating programs, revised provisions: HB 1648
 Environmental interpretation activities in state parks authorized, commission duties: SSB 5225, *SHB 1112, CH 107
 Fees charged to park users, review: SHB 1916
 Model river program created: SHB 1836
 Protected rivers, state management plan, requirements: SHB 1836
 Ski lifts, commission responsibility for signs on aerial ski lifts, rulemaking authority: *SSB 5835, CH 75

PARTNERSHIPS

Limited partnerships, revised provisions: *SB 5148, CH 269

PENSIONS AND RETIREMENT

Reorganization of statutes governing state retirement systems: *SHB 1270, CH 35

PERSIAN GULF

Counseling services for veterans and families: *SHB 2095, CH 55
 Desert Shield, health and retirement coverage continued for employees called to active service: HB 1359, SSB 5092
 Middle East veterans affairs office, advisory council, created: SHB 1530, HB 2164
 Operation Desert Shield service, death benefits allowed for state employees' retirement systems members: SHB 1269
 Property tax, interest and penalties prohibited on delinquent 1991 taxes on personal residences of military personnel serving in the Persian Gulf: *SSB 5928, CH 52
 Public employees granted leave to report for active duty when called on or after August 2, 1990: *HB 1364, CH 25
 Veterans authorized to attend any state institution of higher education at 1990 tuition rates: *SB 5475, CH 228

PERSONAL PROPERTY TAX (See TAXES - PERSONAL PROPERTY TAX)

PERSONNEL AND HUMAN RESOURCES, DEPARTMENT OF

Director of, office created, powers and duties: HB 1035

PERSONNEL BOARD

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 Volunteer members of emergency services, paid leave granted when in training or on call, duties: SHB 1047

PERSONNEL, DEPARTMENT OF

Educational employees compensation, study of total compensation: 2SSB 5919
 Personnel and human resources, department of, name change and revision of powers and duties of department: HB 1035
 State employee child care liaison established, duties: SHB 1471
 State patrol comprehensive compensation survey: *HB 1558, CH 196

PESTICIDES

Agricultural employer to prearrange emergency medical for potential or actual exposure of workers: SHB 1567
 Applicators, recordkeeping requirements: SHB 1261
 Center for sustaining agriculture and natural resources established, duties: *SHB 1426, CH 341

- Federal insecticide, fungicide, and rodenticide act, registration assistance program: SB 5037
- Health hazards to workers and public, identification and reduction in use of pesticides: HB 1765
- Integrated pest management practices, low toxicity control agents and registered pesticides that have minimal effect on ecosystem's natural controls: SHB 1486
- Pest control inspectors, licensing requirements: *HB 1156, CH 264
- Plant pests, authority of governor to order aerial application of pesticides to prevent imminent infestation: *SHB 1956, CH 257
- Plant protection products for minor crop uses, registration assistance coordination: SB 5037
- Posting requirements prior to application, revised provisions: HB 1687
- Property loss or damage, person filing report required to cooperate with department of agriculture: *SB 5778, CH 263
- Protective clothing or device, employer to provide if recommended by pesticide's safety data sheet: SHB 1567
- Record keeping and posting requirements modified: HB 1728, SB 5009
- Registration and reregistration, department of agriculture to develop assistance and information program: *SHB 1426, CH 341
- Residue studies, Washington State University branch at Tri-Cities food and environmental quality laboratory: HB 1426
- Tree fruit producers, reregistration of plant protection products for minor crops, authority to impose additional assessment for: *SHB 1956, CH 257

PHARMACIES AND PHARMACISTS

- Liability of pharmacist in dispensing prescription products limited to willful or negligent acts: HB 1556, *SSB 5466, CH 189
- Licensing fees, revised provisions: *SHB 2048, CH 229
- Licensing provisions: SHB 1918
- Nonresident pharmacies using mail to conduct business in state must be licensed by department of health: HB 1917
- Out-of-state pharmacies, licensing requirements: *SB 5684, CH 87
- Pharmacy assistants, lapsed or nonrenewed certificate: SHB 1918, *SHB 2048, CH 229
- Pharmacy assistants, ratio to pharmacists for supervisory purposes: HB 1555, SSB 5465
- Prescription drugs, insurance policies prohibited from limiting where prescriptions may be purchased: SHB 1069
- Prescription drugs, pharmacist's duty to supply information to patient regarding risks and adverse reactions: HB 1003
- Prescriptions written by authorized out-of-state prescribers may be filled by pharmacies in Washington: *SHB 1789, CH 30
- Prescriptions, filling of a prescription written by a nonstate-licensed authorized prescriber after six months permitted: HB 1110, SB 5109

Retired active license status authorized for those practicing only in emergent or intermittent circumstances: *SHB 2048, CH 229

PHARMACY, BOARD OF

Controlled substances, reporting procedures for Schedule II controlled substances, rulemaking authority: SHB 1163

Legend drugs, identification and labeling system: HB 2017

Over-the-counter medications, labeling information, manufacturers' quarterly report requested: *SHB 1008, CH 68

Uniform controlled substances act, comprehensive revision and update: SHB 2028

PHYSICAL THERAPISTS

Licensing requirements: *SHB 1200, CH 12

PHYSICIAN ASSISTANTS

Intermittent or provisional practice by physician assistants sixty-five years old or older, reduced license fee: *SHB 2048, CH 229

Podiatric care, physician assistants allowed to provide: HB 1862

Surgical care, delegation of preoperative and postoperative care, limitations on: HB 1968

PHYSICIANS

Alcohol abuse, disciplinary board authority to obtain driving record to assist in identifying impairment due to: HB 1895, *SHB 2071, CH 215

Continuing education, mandatory credit may include approved activities relating to professional liability risk management: *HB 1527, CH 195

Inactive license status, rulemaking authority and administrative duties of board of medical examiners: HB 1849, *SSB 5577, CH 44

Intermittent or provisional practice by physicians sixty-five years old or older, reduced license fee to be established: *SHB 2048, CH 229

Medical test site provisions repealed: SHB 1070

Pathology, administration of state forensic pathology fellowship program: *HB 1032, CH 176

Retired physicians, provision of free services to low-income persons, immunity from civil liability: SB 5371

Rural, admission preference at University of Washington medical school for students who agree to serve in rural areas: *SHB 1960, CH 332

Surgical care, delegation of preoperative and postoperative care, limitations: HB 1968

Unconventional practices, medical disciplinary board not to take adverse action without finding of harm to patient: HB 1397

PIERCE COUNTY

District court judges, number increased: HB 1114, *HB 1467, CH 354

Planning policy, multi-county planning policy required in King, Pierce, and Snohomish counties: *SHB 1025, CH 32 E1

PILOTS, MARITIME

Examinations, board of pilotage commissioners, requirements: HB 1423, SB 5104

Training, licensing, and reporting requirements: *SHB 1027, CH 200

PLASTIC

Labeling of bottle and containers with appropriate resin type required, coding requirements, penalties for noncompliance: *2SSB 5591, CH 319

Litter assessment, packaging materials, department of revenue duties: SHB 1459

Packaging materials, maximum recycling and recycled content levels adopted: SHB 1459

PLATS

Dedications, restriction on alterations that diminish dedication: *SHB 1265, CH 132

Record of survey not required when no material variance found in boundary retracement: HB 2022

Utilities, designation of availability on recorded plats: SSB 5062

PLUMBING AND PLUMBERS

Backflow prevention assembly installers and testers, certification requirements: HB 1356

Water conservation performance standards, testing and identification requirements: SHB 2109, *SHB 2026, CH 347

POISONING PREVENTION

Poison information centers, service delivery, revised provisions: HB 2016

Reproductive hazards, poison control network centers to provide information on substances: SHB 1725

POLICE

Drug offenders, notice of escape or release of serious drug offender: *SSB 5128, CH 147

Firearms, agencies allowed to trade forfeited firearms, conditions and procedures: HB 1966

Warrant servers, authority to maintain within department: HB 1732

POLLUTION

Heating oil tank leaks, oil heat commission created: HB 1720

Marine safety, office created, powers, functions and duties transferred from department of ecology: *SHB 1027, CH 200

Oil and hazardous substance spill prevention and response requirements:
 *SHB 1027, CH 200
 Oil heat tank pollution liability act: HB 1896

POLLUTION LIABILITY INSURANCE AGENCY

Oil heat commission created, membership, powers, and duties: HB 1720
 Oil heat tank pollution liability act, duties: HB 1896
 Underground storage tank community assistance program committee
 established, membership and duties: HB 2114, *SSB 5806, CH 4

PORT DISTRICTS

Airport runways, when city may place land use controls on land used by
 port district: HB 1524
 Bonuses for employees or officials prohibited in districts with population
 of one hundred thousand or more: SHB 1546
 Commissioners, compensation, salary and per diem, election procedures
 revised: SHB 1150, HB 2175
 Competition for business between class A or AA port districts located
 within a forty-mile radius prohibited: HB 1502
 Fees based on gross receipts of business involved in port-related activity,
 restrictions on port's authority to charge: HB 1928
 Indebtedness, limit on amount district may contract for: HB 1119, *SHB
 1341, CH 314
 Property tax, districts with population of less than one hundred thousand,
 levy authority: SHB 1546
 Property tax, receipts by districts treated as nonoperating income: SHB
 1546
 Recycling obligations: HB 1021, *SHB 1304, CH 11
 Runway construction, decision by commission subject to referendum: HB
 1506
 Unclaimed property, disposition of property held by district: HB 2018
 Washington public ports association, annual summary of port district
 finances: SHB 1546

PREGNANCY

Alcohol and drug use, preparation and distribution of educational materials
 on effects: SHB 1410, SHB 1965
 Children of substance abusers, task force, membership and duties: SHB
 1109
 Drug exposed infants, program to assess and monitor: SSB 5193
 Workplace hazards: SHB 1725

PRESCHOOLS (See KINDERGARTENS, NURSERY SCHOOLS, AND PRESCHOOLS)

PREVAILING WAGE (See WAGES AND HOURS)

* - Passed Legislature; E1 - 1st Special Session

PRINTERS AND PRINTING

State printing, documents to show total cost of run and cost of individual document on cover or first page: HB 1644

State printing, union labels required, exceptions: HB 1639

PRISONS AND PRISONERS

Chief of police and sheriff to be notified of escape of serious drug offender: *SSB 5128, CH 147

Costs of incarceration, obligation of inmate, assessment and collection procedures: HB 1685

Early release time, completion of high school required, conditions and exceptions: HB 1962

Forest fires, interstate forest fire suppression compact, authority to enter into: *SHB 1208, CH 131

Incentive program, higher wages based on performance, production, and behavior and use wages to purchase amenities: *SHB 1777, CH 130

Incentive program, pilot program to encourage inmates to develop educational and job skills: *SHB 1686, CH 256

Jail labor, reduction in amount of outstanding fines and costs, rate: *HB 1500, CH 183

Limitations on actions by prisoners, statute not tolled during term of imprisonment: HB 1689

New construction, general contractor/construction manager method to expedite awarding state contracts, limitation: *SHB 1777, CH 130

Prison industries implementation plans, department of corrections to develop site-specific plans, required elements: *SHB 1686, CH 256

Testimony of inmates, money to victims compensation account: *SB 5111, CH 133

Wages, twenty percent of wages of inmate convicted of criminal act resulting in injury to another to go to victim's compensation fund: HB 1982

Witnesses to receive notice of escape or release of serious drug offender: *SSB 5128, CH 147

Work crews, program of partial confinement authorized, conditions for participation: SSB 5852, *SHB 1780, CH 181

PRIVACY

911 or enhanced 911 systems, exemption from invasion of privacy laws when acting to aid public health or safety agencies: *SHB 1938, CH 54

Address disclosure of actual or threatened victim of domestic violence prohibited, protected record status: HB 1511, HB 2156

Administrative search warrants prohibited for searches of private residences, informed consent of occupant required: HB 1692

Caller, location, or number identification service, privacy act does not apply to commission approved services: *HB 1489, CH 312

Health care records, information disclosure by provider prohibited, exceptions, penalties: *SHB 1828, CH 335

Privacy and informational technology, joint select committee: HB 1774

PRIVATE INVESTIGATORS

Private detectives, licensing requirements: HB 1181, *SHB 1181, CH 328

PRIVATE SECURITY FIRMS (See SECURITY GUARDS AND FIRMS)

PRIVILEGED COMMUNICATIONS

Mediation, privileged communications and materials, exceptions: *SB 5147, CH 321

PRIZES

Promotional advertising, regulation of practices: *SSB 5108, CH 227

PROBATE

Claims against decedent's estate, filing with court: *HB 1060, CH 5

Costs of administration deductible from decedent's estate: SHB 1061

PROBATION AND PAROLE

Assessment for evaluation and supervision services, courts may levy: *SHB 1189, CH 247

Interstate parole and probation hearing procedures act repealed: *HB 1372, CH 77

Supervision services, offender to pay monthly assessment to department of corrections for term of supervision, exceptions: *HB 1371, CH 104

PROPERTY

Intangible personal property, taxation of income: HB 2197

Landlord to return property, less drayage and storage costs, to tenant in default upon written request: *SHB 1326, CH 220

Pesticide damage to property, person filing report required to cooperate with department of agriculture: *SB 5778, CH 263

Property rights protection act: HB 1134

Subdivision, testamentary means prohibited if otherwise unlawful: HB 1449

Taking, attorney general to develop process for state and local governments to evaluate whether action may constitute an unconstitutional taking: *SHB 1025, CH 32 E1

Transfer, tax on greater of federal credit or ten percent of net estate imposed: HB 2196

PROPERTY TAX (See TAXES - PROPERTY TAX)

PUBLIC ASSISTANCE

- Adoption, general assistance eligibility for recipients who give up child for adoption: *SHB 1052, CH 126
- Aid to families with dependent children recipients, drug test or treatment may be ordered: HB 2096
- Children's mental health, services increased: SHB 1609
- Direct landlord pay task force created to study whether housing for recipients would increase were direct pay available: SHB 2152
- Food stamps, eligibility: HB 1152, SHB 1167, *SSB 5568, CH 366
- Incapacitated persons, eligibility limitations: *SB 5959, CH 10 E1
- Income assistance programs, grant standards as percentage of standard of need: HB 1436
- Job opportunities and basic skills training program: HB 1941, *SHB 1052, CH 126
- Limited casualty program, maximum deductible increased: HB 1889
- Medicaid, hospitalization of recipient, reimbursement rate: SHB 1226
- Medical assistance, psychology services included in program: HB 1678
- Medical care vendors, billing period changed to twelve months: *HB 1125, CH 103
- Medication benefits for former recipients of general assistance, eligibility: HB 1291
- Paternity actions, limits set for commencement of action by mother or department of social and health services: HB 1781
- Rural hospitals providing essential health care services to medical assistance clients, payment: HB 1795

PUBLIC DISCLOSURE

- Campaign contributions: HB 1445, *HB 1312, CH 157
- Domestic violence victims, disclosure of address: HB 1511, HB 2156, *SB 5906, CH 23
- Health care records, information disclosure by provider prohibited, exceptions, penalties: *SHB 1828, CH 335
- Initiative, referendum, and recall petitions, public disclosure prohibited: HB 1595
- Lobbyists, reporting of gifts to public officials, requirements: *SSB 5149, CH 18 E1
- Mediation, privileged communications and materials, exception: *SB 5147, CH 321
- Medical disciplinary board, authority to obtain driving record to assist in identifying impairment due to alcohol abuse: HB 1895, *SHB 2071, CH 215
- Patients and clients of public emergency medical service, confidentiality of personal information: SHB 1275
- Public officials, reporting of political gifts and public office funds, requirements: *SSB 5149, CH 18 E1

Superintendent of public instruction investigative files, exemption from public disclosure: HB 1984

Tax returns and tax information, confidentiality, exceptions: *SHB 1357, CH 330

Trade information submitted to state employees' benefits board or health care authority may be withheld: *SHB 1082, CH 79

Work and home addresses, disclosure prevented to protect person's life, physical safety, or property, effective date: *SHB 1511, CH 1

PUBLIC DISCLOSURE COMMISSION

Audits and field investigation, to conduct sufficient number to provide statistically valid findings regarding compliance: SSB 5864

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (See also RETIREMENT AND PENSIONS)

"Veteran" redefined for purposes of military service credit: HB 1396

City managers, withdrawal from system, retroactive refund to cities authorized: HB 2098

Contribution rate for legislators and state officials: SHB 1269

Cost-of-living increases: HB 1603

Early retirement eligibility: HB 1077, HB 1080, HB 1384, *SHB 1268, CH 343

Irrigation districts, association of districts included in definition of "employer" for retirement system purposes: HB 1981

Medicare part B premium, allowance increase to equal: HB 1493

Merchant marine service credit: HB 1065

Military service credit, inclusion of plan II members: HB 2078

Operation Desert Shield service, death benefits allowed for members' beneficiaries: SHB 1269

Reorganization of statutes governing the system: *SHB 1270, CH 35

Retirement allowance, calculation of initial allowance: SSB 5380

School employees, retired or disabled, continued participation in insurance plans allowed, premium deduction: *SSB 5873, CH 254

Service credit for full- and part-time employees, computation: *SHB 1268, CH 343

Spouses of students, service credit for employment at college or community college, conditions: HB 1248

Withdrawn contributions, reentering members allowed to restore in annual installments: SB 5510

PUBLIC FACILITIES DISTRICTS

Sales and use taxes, authority to impose, procedure to obtain voter authorization: *HB 2057, CH 207

PUBLIC FUNDS AND ACCOUNTS

Academic contests account created, uses of funds: HB 1149

- Advance right of way revolving fund, revisions: *HB 1992, CH 291
- Aid to families with dependent children drug test and treatment fund established: HB 2096
- Air pollution control account created: *SHB 1028, CH 199
- Asian American endowed scholarship trust fund created: HB 2020
- Building construction account, transfer of funds: *SHB 1058, CH 13 E1
- Child care facility fund, applications by employee organizations: SHB 1808
- Child care facility revolving fund, child care facility grants, loans, and loan guarantees: *SSB 5583, CH 248
- Clean Washington account established: SHB 1459
- Common school building account established: HB 1589
- Conservation area account, transfer of funds to natural resources conservation areas stewardship account: *SSB 5612, CH 352
- Death investigations accounts, authority to disburse funds: *HB 1032, CH 176
- Disaster assistance fund created, authorized uses of moneys: HB 1773
- Economic development account created within the public facilities construction loan revolving fund, authorized uses: HB 1645
- Economic development account for assistance to timber-dependent communities created: *SHB 1341, CH 314
- Education construction fund created, appropriations to account for use of public schools and named colleges and universities: HB 1178
- Energy efficiency construction account created, management by state energy office, requirements: SHB 1022, *SSB 5245, CH 201
- Energy efficiency services account created, management by state energy office, requirements: SHB 1022, *SSB 5245, CH 201
- Enhanced 911 account created, expenditures authorized: *SHB 1938, CH 54
- Fire service training center bond retirement account reestablished: *SHB 1058, CH 13 E1
- Fire services trust fund created: SHB 1679, *SHB 1852, CH 135
- Flood control assistance revolving funds account established, name changed from flood control assistance account: HB 1772
- Freshwater aquatic weeds account created: *SHB 1389, CH 302
- Fund for excellence established: *HB 1723, CH 98
- Funeral directors and embalmers account created: SSB 5759
- Geothermal account, continued: *HB 1277, CH 76
- Hanford area economic development account established and investment fund committee created: *SSB 5756, CH 272
- Health professional loan repayment and scholarship program fund created: *SHB 1960, CH 332
- Highway heritage account created: HB 1888
- Highway safety fund, all drivers' license fees to be deposited: HB 1801
- Housing trust fund, affordable housing project sale eligible for fund. assistance: SHB 1421
- Housing trust fund, appropriation for capitalization of fund: SHB 1623

- Housing trust fund, deposit of revenue from exemption on tax on interest received on loans except that from first-time homebuyers: HB 1622
- Housing trust fund, housing assistance program loans from revenues: *SHB 1624, CH 356
- Job training partnership account created: SHB 2006
- Land use compensation fund under control of director of department of ecology created: HB 1693
- Library resources account established: HB 1235
- Lost fishing net recovery fund created: SHB 1012
- Low-income energy assistance and energy conservation account established: HB 1335
- Marine fish enhancement research fund created: HB 1011
- Minority and women-owned businesses loan fund established: SHB 1737
- Mobile home affairs account, funding from fees and mobile home sales tax: *SHB 1440, CH 327
- Motor fuel antitrust enforcement trust account established: HB 1924
- Native species conservation and enhancement account: HB 1250
- Natural resources conservation areas stewardship account, revisions: SHB 1204, *SSB 5612, CH 352
- Northern Ireland, investment of state funds in corporations adopting the MacBride principles: SHB 1407
- Oil heat commission remedial action account established: HB 1720
- Oil heat pollution liability fund created, expenditures authorized for remedial actions, third-party claims, and administrative costs: HB 1896
- Oil spill administration account created, declaration of purposes for expenditures may be made from account: *SHB 1027, CH 200
- Oil spill response account created, uses of funds: *SHB 1027, CH 200
- Pacific Northwest export assistance project fund created: *SSB 5555, CH 315
- Plant pest account created within agricultural local fund: *SHB 1956, CH 257
- Predisposal account, packaging materials manufacturers fees deposited: HB 1826
- Public safety and education account, safety education officer program and commercial vehicle enforcement program to be funded: HB 1802, SB 5432
- Radioactive waste disposal host area economic development account created: SHB 2031
- Rural arterial trust account, governor may withhold revenues from county or city not in compliance with growth management planning requirements: *SHB 1025, CH 32 E1, SHB 1669
- Safe drinking water account established: *SHB 1709, CH 304
- Scrap metal recycling account created: HB 2091
- Secured benefit fund established: SHB 1569
- Sludge monitoring account created: SHB 1963

- Small business export finance assistance center fund created: HB 1990, SSB 5639, *SHB 1341, CH 314
- Specialized transportation services fund established, authorized uses: HB 1507
- State agency transportation and parking management account created: SHB 1564
- State lands management fund created: SHB 1563
- State lands stewardship account created, revenue sources: SHB 1916
- State patrol highway account, moneys received from size and weight load limit violations: HB 1989
- State trust funds, personal liability of person in control of funds for corporation upon termination of business: *HB 1228, CH 85
- Students with disabilities endowed scholarship trust fund established: HB 2189
- Thoroughbred racing fund created, purposes for which funds may be expended listed: *SHB 1120, CH 270
- Tort claims revolving fund created, payment of tort claims from fund, conditions: HB 1561, *SB 5473, CH 187
- Traffic safety and enforcement account, moneys to be used to promote programs related to driver and vehicle safety: SB 5432
- Transfer relief account created in the motor vehicle fund, distributions from motor vehicle fuel and special fuel taxes to account: *SB 5801, CH 342
- Transportation improvement account in motor vehicle fund created: HB 1816
- Transportation improvement account, governor may withhold revenues from county or city not in compliance with growth management planning requirements: SHB 1669, *SHB 1025, CH 32 E1
- Urban arterial trust account, governor may withhold revenues from county or city not in compliance with growth management planning requirements: SHB 1669, *SHB 1025, CH 32 E1
- Veteran's assistance fund, allowable tax levy rate increased: HB 1107
- Washington State University building account, transfer of funds: *SHB 1058, CH 13 E1
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- Water quality account, interest to be included in aggregate revenues for determining account transfers: HB 2038
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- Community-based long-term care and support services system for functionally disabled: SHB 1569
- HIV diseases, testing of persons charged with criminal offenses: SSB 5086, 2SSB 5278
- Infectious waste, definition and restrictions on disposal: HB 2079

Mobile home parks, health and sanitation licensing required, minimum standards: HB 2173

Pesticides, identification and reduction in use of pesticides that pose health hazards to workers and public: HB 1765

Social and health services policy act, impact statement requirements: HB 1684

Tobacco, programs to promote tobacco use reduction: SHB 1753

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Adult education powers, duties, and functions transferred to state board for community and technical colleges: *SSB 5184, CH 238

Apportionment from state general fund, district may receive in equal or proportional installments, rulemaking authority: HB 1220

At-risk youth, self-supporting motivation or retention programs funding authorized: HB 1374

Audit, common school funding system: HB 2049

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Children of substance abusers, task force: SHB 1109

College transcripts, random sample to determine eligible credits earned but not recognized in state allocation model: SHB 1632

Complex needs grant program created, duties: HB 2200

Computer-based learning centers for at-risk children, duties: HB 1098

Distressed areas, school district funding assistance to districts, conditions: HB 1788

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Drivers' licenses, revocation of license or permit when licensee withdraws from school: HB 1768

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Earthquake preparedness policy in schools, duties: HB 1266

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Educational employee, government travel and subsistence rates, procedure authorized: SHB 1525

Educational progress of students, annual report, requirements: *SB 5474, CH 235

- Election procedures: SHB 1001, HB 1074
- Elementary grades special emphasis grant program, early prevention and intervention services: 2SSB 5919
- Essential core competencies, development and implementation with state board of education: HB 1545
- Excellence in education award program, duties: *2SSB 5022, CH 255
- Fair start program, early intervention and prevention services, duties: SHB 1311
- Free and reduced meals, federal funding replaced with state funding during teachers' work stoppage that began April 18, 1991: *SB 5982, CH 37
- Funding formula advisory committee, school funding approaches, department duties: SHB 1657
- Health care benefits, summary data requirements revised, rulemaking duties: SHB 2077
- High school coursework, task force, process for evaluating for undergraduate admissions: *SHB 1936, CH 209
- High school students' educational progress, annual report: SHB 1811
- Impact fees, boundary changes to move new developments into districts not receiving impact fees, approval duties: HB 1751
- Improvement of teaching centers, educational service districts establish: *SHB 1813, CH 285
- International student exchange organizations, provision of information to school districts: *SHB 1051, CH 128
- Investigations concerning eligibility and certification of common school personnel, authority to conduct: HB 1984
- Juvenile detention facilities, educational programs, responsibilities: SHB 2001
- Learning problems and academic delays, pilot program for students, duties: HB 1141
- Local control of education act, technical assistance duties: HB 1912
- Magnet school program, administrative duties: HB 1461
- Nutrition programs authorized by U.S. department of agriculture, state support for participation: SHB 1167, *2SSB 5568, CH 366
- Oral testing, assess use and develop instructional materials: HB 1236
- Pedestrian, bicycle, and school bus safety instruction, duties: HB 1171
- Performance-based compensation for teachers, duties: 2SSB 5919
- Performing arts, grant program for high school students, duties: HB 1254
- Project DREAM, assistance to at-risk youth: *SB 5766, CH 346
- Racial and ethnic minorities, consideration as consumers and providers in education and human services programs: HB 2085
- Reach for excellence grant program, funds for planning and implementation of school restructuring: 2SSB 5919
- School buses, crossing arm installation required, duties: *SSB 5114, CH 166
- School buses, failure to stop, pilot program to use video cameras to identify violators: HB 1174, SSB 5116

- School buses, natural gas as fuel, report on benefits, costs, and safety risks: HB 1179, *SHB 1028, CH 199
- School buses, replacement, revised provisions: SHB 1880
- School buses, video camera use to reduce discipline problem, pilot program, duties: HB 1173, *SSB 5114, CH 166
- School district governance or management problems, intervention allowed, duties: HB 2112
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- School-business education partnerships, symposium: SHB 1256
- Schools and family program, state coordinating committee established, membership and duties: HB 1879
- Scoliosis screening of students: *HB 1377, CH 86
- Security monitors, appropriation to fund monitors in schools: HB 1197
- Self-image and personal responsibility curriculum development grant program, duties: HB 1435
- Site-based councils authorized to allow parents, teachers, and citizens to participate in making school decisions, duties: 2SSB 5919
- Small schools grant program created to help districts meet special needs: 2SSB 5919
- Special educational services demonstration projects: *SHB 1329, CH 265
- Student achievement tests, revised requirements and duties: 2SSB 5919
- Student learning alternative program, administrative duties: HB 1521
- Student teacher assistance program, duties: HB 1505
- Student teacher centers program, duties: *SSB 5504, CH 258, *SHB 1813, CH 285
- Summer motivation and academic residential training program created, duties: HB 1811
- Teachers recruiting future teachers program created, duties: *SHB 1885, CH 252
- Traffic safety education, emphasis on drug or alcohol use consequences in motor vehicle operation: *SHB 1919, CH 217
- Transition schools for highly capable students at state four-year colleges, duties: HB 1018
- Vocational agriculture education institute, in-service training for instructors, duties: HB 1303
- Vocational and academic education at the secondary level, model curriculum: *SSB 5184, CH 238
- Vocational education cooperatives encouraged as demonstration projects, grant award program created: HB 1937
- Vocational education task force, responsibilities: HB 1937
- Volunteer programs, business or civic club partnerships in schools, directory, duties: HB 1417
- Voter registration of high school students, duties: HB 1073
- Weather closure, school day make up: SHB 1532

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- Administrative law judge, former employee of agency not to act in any controversy involving agency for two years: SHB 1847
- City and county correctional employees and radio dispatch personnel, included in definition of "uniformed personnel" for collective bargaining: SHB 1959
- Collective bargaining, school unit to include all nonsupervisory classified employees, fragmentation of existing unit prohibited: HB 1839
- Elective officers, twelve-year limit on service in elective office: HB 1210
- Military leave granted to employees called to report for active duty in the military on or after August 2, 1990: *HB 1364, CH 25
- Retired and disabled public employee health care benefits study commission established, duties: SHB 1796
- Retired and disabled, medicare supplement health insurance plan authorized: HB 1665
- Retired, health care insurance provided by employers, study authorized: HB 1834
- Secretary of transportation, appointment by governor: HB 1868
- State employee child care liaison established in department of personnel: SHB 1471
- State officials, time limit to solicit or accept contributions: SSB 5864
- State, Desert Shield, health and retirement coverage continued for employees called to active service: HB 1359
- State, Washington management service created, purposes and duties: HB 1035
- State, accumulated service credit, notice to employees, schedule: HB 1601, *HB 2142, CH 282
- State, agency officials' salaries, committee, membership and duties: HB 1035
- State, auto liability insurance for state employees who drive personal car for official duties, part payment by state authorized: HB 1042
- State, cap on number of employees for 1991-93 biennium at eighty-one thousand five hundred and thirty full time equivalents: HB 2185
- State, civil service rules to support state policy of valuing and managing diversity in the workplace: HB 2052
- State, collective bargaining, state employees granted right to organize and bargain, conditions and procedures: SHB 1655
- State, college career entry program created: HB 1035
- State, contributions, elected officials and legislators prohibited from soliciting or accepting during legislative session: SB 5424
- State, disabled employees exempted from automobile license fees: HB 1078
- State, hard-to-fill positions, procedures to fill: HB 1035

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- State, insurance plans approved to receive payment through voluntary payroll deductions: HB 1083
- State, leave sharing program, contribution of sick leave benefits: SHB 1044
- State, leave, paid leave granted to volunteer members of emergency services when training or on call: HB 1047
- State, misrepresentation of daily operations to inspectors prohibited: HB 1380
- State, organizational culture created to be more responsive to gender, race, ethnicity, age, and disability diversity: HB 2052
- State, payroll deductions for political committees no longer authorized: SSB 5864
- State, payroll deductions, deposit into bank or savings bank authorized, requirements: HB 2025
- State, political gifts, reporting requirements: *SSB 5149, CH 18 E1
- State, public office funds, reporting requirements: *SSB 5149, CH 18 E1
- State, shared leave program, limitations on participation by community college, school district, and educational service district employees removed: HB 2199
- State, sick leave cash out, option of putting equivalent funds in tax-free medical benefits plan: *SHB 1214, CH 249
- State, staff of hospitals for the mentally ill, assault, class C felony: HB 1345, SSB 5199
- State, tuition and fee waivers at state colleges and universities, exempt employees included: HB 1633
- State, vacation time, elimination of limits on accrual: HB 1046
- State, workers' compensation, temporary total disability, dates for which compensation will be received: HB 1043
- State, workplace diversity programs: HB 1035
- Whistleblower protection, revised provisions for state and local public employees: SSB 5121

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- Evidence, certified copies of another state's records to be admitted in evidence in Washington courts: *SB 5004, CH 59
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Privatization of public transit, economic considerations: HB 1404

Public transportation benefit areas, annexation of territory, revised provisions: *SHB 2151, CH 318

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- Brokers and salespersons, license fees, real estate commission account:
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- Compensation for land value loss resulting from environmental protection
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- Compensation to be paid when private property is diminished in value for
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- Construction liens for improvements on single-family home, limits on sum
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- Disposal of abandoned railroad rights of way, terms and conditions: SSB
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- Earnest money deposit, forfeiture as an exclusive remedy, required
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- Environmental impact statements, threshold determination to be completed
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- Excise tax, additional growth management related tax, rates, authorization,
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- Flood plain location, conveyances must include statement, remedies: HB
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- Hazardous waste clean-up, notice of remedial action taken, issuance by
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- Improvements, moneys to be held in trust for benefit of those making
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- Insurance, insurer may not cancel or refuse to renew because of claims
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- Low-income homeowners, tax exemption provisions: HB 1298
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- Property tax exemption for improvements to low-income multifamily rental
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- Property tax, 1989 valuations and assessments, use for 1991 property taxes,
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- Property tax, assessment in 1991 exceeding one hundred-fifty percent of
1990 assessment, delinquency deferred to April 30, 1992: SSB 5812

- Property tax, assessment of all property to be at one hundred percent of true and fair value unless county legislative authority sets lower rate: SSB 5818
- Property valuation administrative practices, study: *SHB 1301, CH 218
- Purchase or exchange of tax-paying parcel of land, requirement that county receive property of equal or greater tax value: HB 1967
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- Reciprocal insurers, authority to engage in real estate transactions: *HB 1480, CH 266
- Sale definition not to include transfer of property for debt relief or if new loan in same amount required: HB 1539
- Section eight assisted housing development, sale or transfer, conditions: SHB 1734
- Security interests in real property perfected by recording prior to July 23, 1989: *SB 5077, CH 188
- Senior citizen property tax relief qualifications to include nonrecognized gain on sale of principal residence: HB 1313
- Senior citizens tax exemption, maximum income limits increased: *HB 1299, CH 213
- Taking of private property, process to determine when a taking has occurred: SHB 1334
- Timber workers, emergency mortgage assistance programs established, eligibility requirements: *SSB 5555, CH 315
- Valuation of owner-occupied residential property on change of ownership: HB 1026, SHB 1026
- Valuation of real property, qualifications of persons valuing real property for purposes of taxation, requirements: *SHB 1031, CH 82
- Water rights, notification of department of ecology of change in ownership of water right: *SHB 2026, CH 347

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- Beverage container deposit and recycling program: HB 1656
- Comprehensive recycling programs: *2SSB 5591, CH 319
- Clean Washington center established, duties: SHB 1459
- Environmental excellence award grant program created: HB 2149
- Incentive rates, citizens transporting to recycling facility to receive identical incentives with collection customers: SHB 1947
- Oil, recycling and public education requirements: SHB 1459
- Organic recovered materials, procurement and use by state agencies: *2SSB 5143, CH 297
- Packaging materials: SHB 1459, HB 1826
- Parks, marinas, and airports, recycling receptacles required: *SHB 1304, CH 11

Recovered materials, commercial transport, utilities and transportation commission permit required: HB 1519, *SB 5367, CH 148
Recycling funding, task force established: SHB 1459
Scrap metal, hazardous waste components, identification and management practices: HB 2091
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Space allocation standards for the collection of solid waste and recyclable materials, building code council duties, requirements: HB 2039
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State parks and port districts, recycling obligations: HB 1021
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Women's public restrooms, public assembly buildings to comply with state building code requirements: HB 1144

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Medicare supplement insurance plan, retired and disabled public employees: HB 1643, HB 1665, SHB 1796
Merchant marine service credit in state retirement systems: HB 1065
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Averaging of large property valuation increases, revised assessment procedures: SHB 1300, HB 2067, HB 2182

Business and occupation tax credits for businesses contributing to affordable housing projects: SHB 1620

Child care tax credit for employer providing child care assistance to employees, rulemaking authority: HB 1538

Cigarette and tobacco laws, transfer of enforcement powers and duties to liquor control board: SB 5560

Cigarette sales enforcement fund expenditure authorization: HB 1323

Commercial ships and vessels, property tax listing requirements and tax payment procedures: HB 2110

Computer software, study of property tax exemptions and valuation rules: *HB 1376, CH 29 E1

Forest resources conservation and shortage relief act of 1990, enforcement plan for federal act with department of natural resources: SSB 5925

Income tax established: HB 2195

Litter assessment, plastic packaging materials: SHB 1459

Open spaces classification, rulemaking authority and requirements: HB 1513, SSB 5481

Property assessments, equalization of assessments in multicounty taxing districts, duties: SSB 5818

Property tax levies and related matters, report by county assessor, required contents: *SHB 1031, CH 82

Property tax, assessment and collection by county, revised provisions: HB 1994

Property tax, commercial ships and vessels, listing requirements and tax payment procedures: HB 2110

Property tax, report on property tax system: *SHB 1031, CH 82

Recycling assessment, rate adjustment formula, duties: SHB 1459

Tax determinations, designation and publication of precedental tax determinations: *SHB 1357, CH 330

Tax returns and tax information, confidentiality, exceptions: *SHB 1357, CH 330

Taxpayers' rights and responsibility act, duties: *SHB 1401, CH 142

Valuation of real property, qualifications of persons valuing real property for purposes of taxation, requirements: *SHB 1031, CH 82

Wetland lands classification for current use assessment, created, defined: HB 1817

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Corporations, revision of internal references affected by the adoption of Title 23B RCW: *SB 5107, CH 72

County classes, substitutes population figures to distinguish counties: *SHB 1201, CH 363

Department of health, revision of statutory references affected by the creation of the department: *HB 1115, CH 3

- Handicapped, statutory references to handicapped changed to disabled: HB 2008
 Retirement systems, reorganization of statutes governing systems: *SHB 1270, CH 35

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- Designating portion of state route number 501 as the Erwin O. Rieger Memorial Highway: *HB 1946, CH 78

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- Local government self-insurance programs: *SHB 1907, CH 30 E1

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- Model river program created: SHB 1836

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- American Veterans Memorial Highway, Washington portion of Interstate 90 renamed: *SSB 5288, CH 56
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 Commute trip reduction task force, membership and duties: *2SHB 1671, CH 202
 Commute trip reduction, local government responsibilities: *SHB 1028, CH 199
 County road maintenance materials, awards may be made to multiple bidders when haul distance considered: SB 5816
 County roads, owners of property near road authorized to petition for its vacation: HB 1578
 Fifty-five mile per hour, state-wide maximum speed limit: HB 1451
 High occupancy vehicle lanes, at least two occupants required in private vehicle: SB 5562
 Highway access management program coordinating local land use planning with development of state highway system: *2SHB 1671, CH 202
 Highway heritage program established to preserve scenic, cultural, and historic features: HB 1888
 Highway system plan, improvement and preservation to ensure acceptable operating conditions: HB 1816
 Lane use requirements, trucks over twenty-six thousand pounds: HB 1155, SSB 5237
 Model traffic ordinance, update provisions: *HB 1431, CH 118
 Motorist information signs, revision and recodification of definitions: *SSB 5720, CH 94
 Organic recovered materials, use in road projects, purchase requirements: *2SSB 5143, CH 297
 Pavement marking on right edge of roadway in urbanized areas, standards: *SHB 1081, CH 214

- Pedestrians, vehicle operator's obligation to stop to allow pedestrian in crosswalk to cross intersection: SHB 1934
- Rieger, Erwin O., designating portion of state route number 501 as the Erwin O. Rieger Memorial Highway: *HB 1946, CH 78
- Right of way acquisition, advance acquisition, revised management and funding provisions: *HB 1992, CH 291
- Rights of way plantings to provide potential source of pulp wood and timber: HB 2003
- Scenic beauty preservation in highway project areas, alternatives to removing basalt formation in I-90 median required: HB 1846
- School pathway and bus stop improvement program and improvement program council created, council membership and duties: *SHB 1172, CH 230
- State highway routes, additions and revisions to state routes: *SB 5801, CH 342
- Street utilities, municipal, revised provisions: *SHB 1274, CH 141
- Tort liability of state and local governments limited for damages relating to the planning, construction, or signing of highway or other public facility: SSB 5721

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* - Passed Legislature; E1 - 1st Special Session

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* - Passed Legislature; E1 - 1st Special Session

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* - Passed Legislature; E1 - 1st Special Session

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- Exemptions, residences near jails, exemption from county levy: HB 1101
- Exemptions, senior citizen and disabled persons who do not meet qualifying disposable income amount qualification: HB 1240
- Explanation of the property tax system, department of revenue to prepare: *SHB 1031, CH 82
- First-time homebuyers, tax exemption, eligibility conditions and procedures: SHB 1414
- Home health care, tax relief for persons receiving: HB 1002, HB 1004, *HB 1299, CH 213
- Homeowners, limitation on rate of increase of assessed value of owner-occupied real property: SHB 1026
- Improvements to low-income multifamily rental housing, three year exemption from tax on improvement: SHB 1619
- Limited proposition levies to be made in the amounts and the years authorized by voters in addition to other allowed levies: HB 2108
- Loss of revenue to local governments from tax relief to be reimbursed from state general fund: HB 2166, HB 2178
- Low-income homeless persons, nonprofit organization providing housing, tax exemption: *SHB 1739, CH 198
- Low-income homeowners, state assistance eligibility: HB 1297
- Low-income homeowners, tax exemption provisions: HB 1298
- Military personnel serving in Persian Gulf, interest and penalties prohibited on delinquent 1991 taxes on personal residences: *SSB 5928, CH 52
- Port district receipts treated as nonoperating income: SHB 1546
- Port districts nonvoter-approved tax, study and public hearing required before levy imposed: SHB 1546
- Property tax exemption program, compilation and reporting of data on program use, county assessor requirements: *SSB 5110, CH 203
- Purchase or exchange of tax-paying parcel of land, requirement that county receive property of equal or greater tax value: HB 1967
- Relief, constitutional amendment to authorize: HB 1029
- School capital construction project bonds, "support of common schools" defined to include payment of principal and interest on: *SHB 1430, CH 31 E1
- School excess levy limits raised, revised provisions: SHB 1932
- Schools may levy tax equal to previous year's levy without resubmission to voters following failed tax levy proposition: HB 1215

- Schools, exemption from excess levy limits for specified nonbasic education program activities: HB 2150
- Schools, levy equalization rate raised from ten to twenty percent for eligible districts: SHB 1657
- Schools, levy lids increased from twenty percent to thirty percent: SHB 1657
- Schools, special levy authorized for purposes of funding grants under the bringing education home act: 2SSB 5919
- Schools, state-wide average ten percent levy rate raised to twenty percent: HB 2150
- Senior citizen property tax relief qualifications to include nonrecognized gain on sale of principal residence: HB 1313
- Senior citizen tax exemption, cotenant's disposable income excluded from combined income threshold computation: HB 1840
- Transportation benefit district, authority to impose additional tax levy: *SHB 1050, CH 138
- Valuation of large property tax increase averaged over four years: SHB 1300
- Valuation of property administrative practices, department of revenue study: *SHB 1301, CH 218
- Valuation, 1989 assessment for 1991 taxes, conditions established for taxes after 1991: HB 1385
- Veteran's assistance fund, allowable levy rate: HB 1107
- Wetlands, current use valuation of, "wetland lands" classification created: HB 1817
- Wildlife department, taxes in lieu of property taxes on department owned property, in lieu tax provisions repealed: HB 1779

TAXES - PUBLIC UTILITY TAX

- Water systems, annual tax of two dollars for each connection: *SHB 2026, CH 347

TAXES - SALES TAX

- "Newspaper" defined for purpose of tax exemption on distribution and newsstand sales of: HB 2019
- Adult entertainment tax imposed, revenues to victims of crimes: SB 5845
- Auction sales by nonprofit organizations, exemptions: *SHB 2187, CH 51
- Birth control prescription drugs, exemption: HB 1533
- Building materials used in multifamily residential structures, exemptions: SHB 1621
- Business assistance program, participation, rules: HB 1570, HB 1731
- Candy tax, exceptions to list of food products expanded: HB 1178
- Candy tax, revenues dedicated to school construction: HB 1178
- Citizens' review of local government, alteration in rate and distribution as a consequence: HB 1017

- Criminal justice purposes, authority to impose additional tax for in larger counties east of the Cascades: HB 1980
- Deferrals, investment project deferrals extended to tourism projects: HB 1106
- Domestic violence community advocates, funding authorized from local tax revenues: HB 1741, *SHB 1884, CH 301
- Exemptions, nonprofit organizations serving meals for fundraising purposes: HB 1067, SSB 5929
- Free hospitals, exemptions: SB 5524
- Gasoline, local option tax authorized on gasoline to fund public transit and transportation systems: HB 2070
- Glucose monitoring equipment, exemptions: HB 1602
- Governor may withhold revenues from county or city not in compliance with growth management planning requirements: *SHB 1025, CH 32 E1, SHB 1669
- Irrigation equipment, tax deferral, water conserving equipment: *SHB 2026, CH 347
- Local government service agreements, alteration in rate and distribution as a consequence: SHB 1015
- Mobile homes, sales tax to fund mobile home affairs account: *SHB 1440, CH 327
- Oxygen systems medically prescribed exempt: *SHB 1317, CH 250
- Public facilities districts, authority to impose, procedure to obtain voter authorization: *HB 2057, CH 207
- Rental vehicles, additional tax imposed: HB 1820

TAXES - SPECIAL FUEL TAX

- Assessment and collection of, revisions: *SHB 1704, CH 339
- Border cities may impose for street maintenance and construction: *SHB 1342, CH 173

TAXES - USE TAX

- Adult entertainment tax imposed, revenues to victims of crimes: SB 5845
- Birth control prescription drugs, exemption: HB 1533
- Building materials used in multifamily residential structures, exemptions: SHB 1621
- Business assistance program, participation, rules: HB 1731
- Citizens' review of local government, alteration in rate and distribution as a consequence: HB 1017
- Criminal justice purposes, authority to impose additional tax for in larger counties east of the Cascades: HB 1980
- Deferrals, investment project deferrals extended to tourism projects: HB 1106
- Domestic violence community advocates, funding authorized from local tax revenues: HB 1741, *SHB 1884, CH 301

- Effluent water, exemption from tax for use of treated or processed effluent water purchased for commercial use: *SHB 2026, CH 347
- Exemptions, nonprofit organizations serving meals for fundraising purposes: SSB 5929
- Free hospitals, exemptions: SB 5524
- Gasoline, local option tax authorized on gasoline to fund public transit and transportation systems: HB 2070
- Glucose monitoring equipment, exemptions: HB 1602
- Governor may withhold revenues from county or city not in compliance with growth management planning requirements: *SHB 1025, CH 32 E1, SHB 1669
- Local government service agreements, alteration in rate and distribution as a consequence: SHB 1015
- Public facilities districts, authority to impose, procedure to obtain voter approval: *HB 2057, CH 207

TAXICABS

- Bonding requirements, minimum amount increased: HB 1953, HB 2107

TEACHERS

- Braille competency requirements for teachers of blind students: HB 1945
- Certificated employees, nonrenewal of contracts, revised provisions: HB 2125, 2SSB 5919
- Certificated employees, optional three-year contracts allowed: HB 2125
- Certification examinations, revised requirements: 2SSB 5919
- Certification to include diversity education throughout curricula: SHB 1365
- Certification, alternative method for persons with baccalaureate degree and extensive, relevant work experience: SB 5640, 2SSB 5919
- Certification, powers and duties of board of education: HB 1170
- Child abuse issues, professional preparation program required: HB 1985
- Citizenship requirements removed: *HB 1263, CH 115
- Collective bargaining, subjects not subject to collective bargaining: 2SSB 5919
- College transcripts, random sample to determine eligible credits earned but not recognized in state allocation model: SHB 1632
- Compensation allocations, "baccalaureate degree" defined for purpose of determining: HB 2139
- Compensation plan for educational employees placing Washington in top ten percent among states: HB 1223
- Continuing education credit for internships with private and public sector organizations: SHB 1256
- Continuing education credit for out-of-state courses authorized, conditions: *HB 1139, CH 155
- Discharge of certificated staff, notice of right to appeal discharge: *SB 5449, CH 102

- Educational paraprofessional associate of arts degree program, training requirements and scope of employment limits: *SHB 1813, CH 285
- Educational staff associate certification, continuing education requirements: *SHB 1196, CH 156
- Ethics teaching in public schools, annual legislative award: HB 2010
- Free and reduced price school meals, federal funding replaced with state funds during teachers' work stoppage that began April 16, 1991: *SB 5982, CH 37
- Future teacher conditional scholarship program, revisions: SHB 1598
- Improvement of teaching centers, recruitment and training programs, educational service districts to establish: *SHB 1813, CH 285
- Improvement of teaching coordinating council, educational service districts to establish: *SHB 1813, CH 285
- Interest arbitration panels, bargaining impasses: HB 1398
- Investigations concerning eligibility and certification of common school personnel, superintendent of public instruction to conduct: HB 1984
- Investigative files compiled by superintendent of public instruction, exemption from public disclosure: HB 1984
- Local master's degree teacher training program: SHB 1293
- Master's degree requirement eliminated: HB 1157, SB 5375
- Master's degree requirement for certification deadline extended: HB 1307, HB 2190
- Minority teacher recruitment program, tuition assistance to classified classroom assistants: *SHB 1813, CH 285
- Noncertificated persons, eligibility to teach without supervision: SHB 1068
- Performance-based compensation for teachers: 2SSB 5919
- Provisional employment period: HB 2124
- Retired teachers permitted to work in public schools for up to ninety days per year without reduction in pension: HB 1219
- Retirement system eligibility for half-time employees: SHB 1269
- Retirement system, "substitute teacher" defined to exclude full time plan I community college district teachers: HB 1020
- Retirement system, benefits, purchase of additional benefits, conditions: *SSB 5359, CH 278
- Retirement system, calculation of initial retirement allowance: SSB 5380
- Retirement system, computation of service credit for full- and part-time teachers: *SHB 1268, CH 343
- Retirement system, cost-of-living increases: HB 1603
- Retirement system, disability retirement benefits, revised conditions of eligibility: *SHB 1211, CH 365
- Retirement system, merchant marine service credit: HB 1065
- Retirement system, part-time teachers retirement services credit: *SHB 1268, CH 343
- Retirement system, reorganization of statutes: *SHB 1270, CH 35
- Retirement system, service credit for out-of-state experience, conditions: HB 1164, *SSB 5359, CH 278

- Salaries of certificated staff, expenditures from local funds solely the financial responsibility of district: HB 1504
- Salary allocation, determination, no more than ninety post-baccalaureate credit hours may be used beginning in 1997, exceptions: HB 1344
- Special needs tuition assistance program established: HB 1813
- Strikes by teachers prohibited: HB 1398
- Student teacher assistance program: HB 1505
- Student teacher centers program for special support and training of student teachers: *SSB 5504, CH 258
- Student teaching centers established, purposes: *SHB 1813, CH 285
- Teacher educators to teach in the public schools maximum extent feasible, plan to require: *SHB 1243, CH 259
- Teachers recruiting future teachers program created: *SHB 1885, CH 252
- Teachers recruiting teachers program created: *SHB 1885, CH 252
- Teachers' retirement system, allowance increase to equal medicare part B premium: HB 1493
- Teachers' retirement system, early retirement allowance reduced: HB 1384
- Teachers' retirement system, retirement account plan for plan I participants with thirty years service credit: HB 1432

TECHNICAL COLLEGES

- Community and technical college act of 1991: SHB 1039, *SSB 5184, CH 238

TECHNOLOGICAL EDUCATION (See VOCATIONAL EDUCATION)

TELECOMMUNICATIONS

- 900 numbers, regulation: HB 1612, *SSB 5518, CH 191
- 911 or enhanced 911 systems, exemption from invasion of privacy laws when acting to aid public health or safety agencies: *SHB 1938, CH 54
- Caller, location, or number identification service, privacy act does not apply to commission approved services: *HB 1489, CH 312
- Emergency communications systems or services, immunity from civil liability for errors or omissions under specified circumstances: *SHB 1938, CH 54
- Information delivery services, advertisement, requirements: HB 1612, *SSB 5518, CH 191
- Pay-per-call services, regulation: HB 1612, *SSB 5518, CH 191
- Pen registers, use authorized, conditions: HB 1351, SSB 5126
- Telecommunications devices for the deaf task force, formation and duties: *SSB 5536, CH 121
- Trap and trace devices, use authorized, conditions: HB 1351, SSB 5126

TELEVISION

- Cable systems, access by multiple dwelling units' tenants: HB 2201

Liquor advertising on television prohibited, penalties: HB 1239

TIMBER AND TIMBER INDUSTRIES (See also FOREST PRACTICES)

- Agency timber task force, membership and duties: *SHB 1341, CH 31
- Basic health plan, enrollment of dislocated timber workers authorized, conditions: *SSB 5555, CH 315
- Community colleges, training and retraining in timber impact areas: *SSB 5555, CH 315
- Community-based family support centers, establishment, funding: SHB 1714
- Dislocated workers, retraining, support services, job search assistance required: *SSB 5555, CH 315
- Economic diversification and strengthening infrastructure in timber-dependent counties, funding priority: HB 1442
- Economic recovery coordination board, membership and duties: *SHB 1341, CH 314
- Forest lands, department of natural resources authorized to purchase and manage for sustainable commercial forestry: SSB 5445
- Forest practice permits, fees imposed on applicants, to assist with review and permitting costs related to environmental protection: HB 1854
- Forest resources conservation and shortage relief act of 1990, department of revenue and department of natural resources duties: SSB 5925
- Hardwood commission, compensation and reimbursement provisions: SHB 1857, *SSB 5626, CH 67
- Hardwoods processing and handling, assessment to be levied by hardwood commission, rates and exceptions: HB 1857, *SSB 5626, CH 67
- Higher education opportunities program for dislocated timber workers: SHB 1870
- Liquor deliveries to stores and agencies, first consideration to be given to freight carriers within federal timber impact area: HB 1746
- Lumber and wood products workers, extended unemployment compensation benefits, conditions: SHB 1599
- Mortgage and rental assistance to dislocated timber workers, goals and guidelines: *SSB 5555, CH 315
- Natural resource worker project established for dislocated timber workers: SHB 1314, *SSB 5555, CH 315
- Pacific Northwest export assistance program created, purposes: *SHB 1341, CH 314
- Processing of timber within timbershed of origin required for restricted timber from sales from department of natural resources lands: HB 2000
- Public forests commission created, membership and duties: SHB 1583
- Public works, Washington grown and produced wood products to be used to maximum extent: SHB 1871
- Timber impact areas, public works loans authorized to local governments: *SHB 1341, CH 314

- Timber impacted areas, community assistance program: *SHB 1341, CH 314
- Timber recovery coordinator, appointment and duties: *SHB 1341, CH 314
- Timber supply impact areas, public facility loans and grants authorized: HB 1645
- Timber workers, counter-cyclical program for dislocated workers, employment and counseling opportunities: HB 1600, *SSB 5555, CH 315
- Timber-dependent communities and distressed counties infrastructure support to diversify and revitalize economies: *SHB 1341, CH 314
- Timberlands foundation established to achieve and sustain quality of life in timberlands region, organization and duties: HB 2181
- Timberlands revitalization act: HB 2181
- Tourism projects, funding of small-scale projects in timber-dependent areas, conditions and requirements: *SSB 5555, CH 315
- Training pilot project for dislocated timber industry workers in Skagit county: SHB 1315
- Upper division higher education opportunities for dislocated timber workers program: *SSB 5555, CH 315
- Washington wood products competitiveness commission created, membership and duties: *SHB 1341, CH 314
- Woodland stewardship assistance for nonindustrial forest and woodland owners, program established: *HB 1812, CH 27

TIRES

- Studded tires: SHB 1154
- Waste tire recycling or energy production, department of ecology grants: SB 5878

TITLE ONLY

- Capital budget act of 1991: *SB 5960, CH 3 E1
- Developmental disabilities act of 1991: HB 2192
- Protecting persons seriously threatened by domestic violence by restricting disclosure of their names or addresses act of 1991: *SB 5906, CH 23
- Public assistance act of 1991: HB 2193

TOBACCO

- Employment, unfair practice to require individual to abstain from legal tobacco use away from place of work: HB 1617
- Enforcement of cigarette and tobacco laws, powers and duties transferred to liquor control board: SB 5560
- Outdoor advertising of tobacco and alcohol products on buses or within one mile radius of school prohibited: SHB 2011
- Prevention of tobacco-caused disease, programs to reduce tobacco use by youth and to promote tobacco use reduction: SHB 1753

- Purchase and use by minors, state board of health rules to control: SHB 1158
- Purchase, possession, or use of tobacco products, unlawful for person under eighteen: HB 1974
- Vending machines, prohibition on possession and operating of, exceptions: HB 1597

TORTS

- Agriculture industry, attorney general authorized to assist in recovering damages for dissemination of misleading information: HB 1935
- Animal research facilities, injunctive relief to prevent occurrence of intentional tort: *SSB 5629, CH 325
- Animal research facilities, joint and several liability for intentional torts against: *SSB 5629, CH 325
- Attorney general comprehensive annual summary of all tort claims against state cases closed in previous year: SSB 5721
- Childhood sexual abuse, clarification of the application of the statute of limitations: *SHB 2058, CH 212
- Claims against state, payment from tort claims revolving fund, conditions: HB 1561, *SB 5473, CH 187
- Highways and other public facilities, tort liability of state and local governments limited for damages relating to planning, construction, or signing: SSB 5721
- Psychiatric facilities, immunity from civil and criminal liability if duties performed in good faith: HB 1520
- Sewer systems, imposing strict liability on public sewer systems for damage to individual residences, exceptions: HB 1759

TOURISM

- Convention, tourism, and economic development promotions, business and occupation tax exemption for payments and contributions by public entities to nonprofit corporations for: HB 1898, SB 5661
- Investment project tax deferrals extended to tourism projects: HB 1106
- San Juan islands, cities and counties authorized to impose lodging tax to mitigate tourism impacts: *SHB 1993, CH 357
- Timber supply impact areas, public facility loans and grants authorized: HB 1645
- Timber-dependent areas, funding of small-scale tourism projects, conditions and requirements: *SSB 5555, CH 315

TOW TRUCKS

- Abandoned vehicles, authority to declare stored vehicle abandoned after notice to owner: *SSB 5276, CH 20
- Emergency service, exemption from weight, height and length restrictions: *HB 1262, CH 276

TOWNS (See CITIES AND TOWNS)**TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**

Business assistance center: SHB 1737

Center for recycling markets development created within department, duties: *2SSB 5591, CH 319

Clean Washington center established, duties: SHB 1459

Industrial growth management demonstration pilot project established in Yakima county, duties: SHB 1998

Office of international relations and protocol, powers, duties, and functions transferred from department to governor's office: *SHB 1800, CH 24

Pacific Northwest export assistance project, duties: HB 1990, SSB 5639

Plant closure law, administrative duties: HB 1477

Private enterprise review commission created, support duties: HB 1605

Public works, Washington grown and produced wood products to be used to maximum extent, department duties: SHB 1871

Regulatory ombudsman, responsibilities: HB 2136

Small business bonding assistance program, duties: HB 1737

Small business financing expanded: HB 2133

Timber impacted areas, recovery program duties: *SHB 1341, CH 314

Timber-impacted areas, economic recovery and diversification priorities to be determined: *SSB 5555, CH 315

Timber-impacted areas, project manager to facilitate department activities: *SSB 5555, CH 315

Washington wood products competitiveness commission created, membership and duties: *SHB 1341, CH 314

TRAFFIC

Commute trip reduction task force, membership and duties: *2SHB 1671, CH 202

High occupancy vehicle lanes, two occupants required in private vehicle using lane: SB 5562

Offenses designated as criminal offenses, revisions: *SHB 1704, CH 339

Pedestrians, vehicle operator's obligation to stop to allow pedestrian in crosswalk to cross intersection: SHB 1934

Transportation demand management program planning and implementation requirements: *2SHB 1671, CH 202

Van pools, Washington state transportation center study: SB 5564

TRAFFIC OFFENSES

"Driving while intoxicated" changed to "driving while under the influence of intoxicating liquor or any drug": *HB 1757, CH 290

Deferral of judicial determination that an infraction was committed, limitations and standards: SHB 1552

Disabled parking, fines imposed for improper parking in spaces for disabled: SHB 1634

First-degree negligent driving, defined and penalties established: SHB 1183
 High occupancy vehicle lanes, improper use, reporting procedures: HB 1468

High occupancy vehicles, presumption that registered owner was operator when violation occurred: HB 1128

Inattentive driving, defined, traffic infraction: SHB 1183

Motor vehicle insurance, proof of financial responsibility, penalties: HB 1391, *SSB 5790, CH 25 E1

Negligent driving, penalty increased: SHB 1183

School buses, failure to stop: SHB 1174, SSB 5116

TRAFFIC SAFETY

Safety education officer program, funded from public safety and education account: HB 1802, SB 5432

Sobriety checkpoint programs authorized: HB 2013

Traffic safety and enforcement account, programs related to driver and vehicle safety: SB 5432

TRAFFIC SAFETY COMMISSION

Legislative transportation committee recommendations regarding the traffic safety commission to be implemented: HB 2032

Secretary of health added as member of commission: HB 1587

TRANSPORTATION

Air quality, transportation plans and programs to conform to state implementation plan for: HB 1754, *2SHB 1671, CH 202

Budget for biennium ending June 30, 1993: *SHB 1231, CH 15 E1

Budget, 1991 supplemental budget: *SSB 5106, CH 22

Commute trip reduction task force, duties: *2SHB 1671, CH 202

Commuting, reduction of single occupant vehicle commuting, duty of state, local governments, and employers to plan and implement: *2SHB 1671, CH 202

Elderly and handicapped persons, specialized transportation services: HB 1507

First class cities, additional transportation authority: *SHB 1771, CH 124

Gasoline, local option sales and use tax authorized on gasoline to fund public transit and transportation systems: HB 2070

Growth management act, regional transportation planning requirements: *SHB 1025, CH 32 E1

High capacity transportation programs, revisions: *SHB 1677, CH 309

High capacity transportation projects, expert review panels: *SHB 1677, CH 309

High capacity transportation systems, revisions: *SHB 2151, CH 318

High capacity transportation taxing authority, revised population criteria: *SHB 1677, CH 309

- High occupancy vehicle lanes, two occupants required in private vehicle using lane: SB 5562
- High-speed ground transportation office created in department, duties: *SHB 1452, CH 231
- High-speed ground transportation system steering committee: *SHB 1452, CH 231
- Highway access management program coordinating local land use planning with development of state highway system: *2SHB 1671, CH 202
- Highway system plan, improvement and preservation to ensure acceptable operating conditions: HB 1816
- Legislative transportation committee, revised membership and organization: SB 5209
- Local arterials, access management policies, guidelines: *2SHB 1671, CH 202
- Public transportation benefit areas, annexation of territory, revised provisions: *SHB 2151, CH 318
- Regional transportation planning organizations, optional duties: HB 2144
- Right of way acquisition, revised management and funding provisions: *HB 1992, CH 291
- Six-year program and financial plans, revised requirements: *SHB 2140, CH 358
- State agencies and facilities, transportation and parking program: SHB 1564
- State highway system, access permit required, procedures: *2SHB 1671, CH 202
- Study, system management and governance, two-phase study to evaluate system and compare it with alternative systems: HB 2165
- System planning and management provisions: *SHB 1025, CH 32 E1, *2SHB 1671, CH 202
- Transportation policy plan to set goals, identify issues, recommend policies and strategies: HB 1816
- Van pools, Washington state transportation center study: SB 5564

TRANSPORTATION BENEFIT DISTRICTS

- Local flexibility for state-wide public transportation linkages between communities: SHB 1568
- Tax levy, authority to impose additional tax levy: *SHB 1050, CH 138

TRANSPORTATION COMMISSION

- Geographical restrictions on commissioner appointments removed: HB 1216

TRANSPORTATION IMPROVEMENT BOARD

- Membership of board increased by addition of a public transit member and private sector member representing a transportation organization: *SHB 2044, CH 308

State highway system, board to receive petitions requesting additions to or deletions from state highway system: *SB 5801, CH 342

TRANSPORTATION, DEPARTMENT OF

Airport systems plan, needs identification, planning requirements: HB 1816

Bicycle plan, needs identification, facilities funding: HB 1816

Bicycle transportation management program, duties: *SHB 1081, CH 214

Bridges, designation remaining the responsibility of department: *SB 5801, CH 342

City/state street responsibilities, task force to study population threshold for dividing responsibilities: SHB 1135

Combinations not exceeding seventy-five feet where three vehicles are towed by fourth in triple saddlemount position allowed: *HB 1991, CH 143

Commission to serve in advisory capacity to secretary, powers transferred to secretary: HB 1868

Ferries repair or improvement contracts, requirements: HB 1713

Ferry system plan, service standards, demand forecasting, strategies: HB 1816

Freight rail plan, light density lines identification, preservation, priorities: HB 1816

High capacity transportation systems, revisions: *SHB 2151, CH 318

High-speed ground transportation system feasibility study: *SHB 1452, CH 231

High-speed ground transportation system office created: *SHB 1452, CH 231

Highway heritage program established to preserve scenic, cultural, and historic features: HB 1888

Highway rights of way plantings to provide potential source of pulp wood and timber, duties: HB 2003

Highway system plan, improvement and preservation to ensure acceptable operating conditions: HB 1816

Highways and other public facilities, tort liability of state and local governments limited for damages relating to planning, construction, or signing of: SSB 5721

Interstate highways, length restrictions inapplicable to "specialized equipment" for access to terminals and facilities: *HB 1991, CH 143

Motorist information signs, revision and recodification of definitions: *SSB 5720, CH 94

Pavement marking on right edge of roadway in urbanized areas, standards: *SHB 1081, CH 214

Rail freight property acquisition statutes, correction of internal references: SB 5863

Recycled materials, use for highways, roads, bicycle routes, trails, and paths, study: *2SSB 5143, CH 297

Safety improvements, special category C projects, litigation and appeals process expedited, procedures: HB 1522

Scenic beauty preservation in highway project areas, alternatives to removing basalt formation in I-90 median required: HB 1846

Secretary to be appointed by governor, policy guidance from transportation commission and governor: HB 1868

Secretary to be appointed by governor, transportation commission powers transferred to: HB 1868

Secretary, annual evaluation required: HB 1306

Special transportation planning studies authorized: HB 1816

Stampede Pass rail line, purchase, negotiations authorized: HB 2102

State highway system, access permit required, department duties: *2SHB 1671, CH 202

Transportation policy plan to set goals, identify issues, recommend policies and strategies: HB 1816

Van pools, Washington state transportation center study and recommendations: SB 5564

TRAPPING (See HUNTING)

TRAUMA CARE (See EMERGENCY SERVICES)

TRAVEL CHARTER AND TOUR OPERATORS

Promoter defined, business practices regulated: HB 1439

TRAVEL TRAILERS AND CAMPERS

Excise tax, additional tax imposed, revenues to be deposited in state lands stewardship account: SHB 1916

TRUCKS AND TRUCKING

Combinations not exceeding seventy-five feet where three vehicles are towed by fourth in triple saddle mount position allowed: *HB 1991, CH 143

Commercial vehicle enforcement act, weight limit enforcement enhanced: HB 1805

Converter gears and tow dollies, exemption from licensing requirements: *HB 1995, CH 163

Identifying name and number, display requirements: *SSB 5295, CH 241

Lane use requirements, trucks over twenty-six thousand pounds: HB 1155, SSB 5237

Length restrictions inapplicable to "specialized equipment" access to terminals and facilities on interstate highways: *HB 1991, CH 143

Overweight loads, penalties increased: HB 1805

Proportional registration, revised provisions: *SHB 1704, CH 339

Recovered materials, commercial transport, utilities and transportation commission permit required: HB 1519, *SB 5367, CH 148

Size and weight load limit violations, moneys received for violations to be deposited in state patrol highway account: HB 1989
 Truck weight study, pavement damage due to containerized cargo into and out of Washington ports: HB 2168

TRUSTS AND TRUSTEES

Fiduciaries, expansion of power to divide trust: *SHB 1062, CH 6

UNCLAIMED PROPERTY

Port districts, disposition of property held by district: HB 2018

UNDERGROUND STORAGE TANKS

Cleanup financial assistance conditioned upon commitment that tank site continue to meet local needs, application procedures: SHB 2114, *SSB 5806, CH 4

Fire code, provisions of the uniform code not directly in conflict with rules regulating tanks remain in force: SSB 5263, *SHB 1454, CH 83

Removal or closure of tank, department of ecology statement that action conforms to departmental rules: SSB 5055

Tanks conforming to state and local laws as of their installation not required to meet later requirements: HB 1454, SSB 5263

Underground storage tank community assistance program committee established, membership and duties: HB 2114, *SSB 5806, CH 4

UNEMPLOYMENT COMPENSATION

"Reasonable assurance" redefined to exclude an offer contingent upon funding, enrollment, or program changes: HB 1744

Agricultural employment, voluntary combined reporting requirement for agricultural employers removed: *HB 1625, CH 31

Benefit year, revised conditions for establishing new benefit year: *HB 1339, CH 117

Contribution, contractor avoidance, study: *HB 1244, CH 34

Educational service district service providers, benefit exclusions: HB 1875

Eligibility, marital status or domestic responsibilities considered in bona fide work determination: SHB 1730

Employer contributions, back pay award reductions based upon benefits received by recipient of award: *HB 1339, CH 117

Employer experience rating account, promptly fired employee benefits not to be charged: HB 1872

Employer quitting business responsible for immediate payment of contributions: *HB 1339, CH 117

Employer relief for benefit charges, procedures and deadline for requesting relief: *SHB 2069, CH 129

Exclusions from coverage, revised provisions: *SSB 5837, CH 246

Lockouts, eligibility of workers unemployed due to lockout: HB 1279

- Lumber and wood products workers, extended benefits, conditions: SHB 1599, *SSB 5555, CH 315
- Requalification provisions: SHB 1730
- Successor to business owing contributions responsible for full amount: *HB 1339, CH 117
- Weekly benefits amounts for eligible individuals: HB 1340
- Weekly benefits, no deduction made for those receiving federal social security pensions: HB 1338
- Workers' compensation, individual disqualified from unemployment compensation when receiving or due to receive workers' compensation: *HB 1339, CH 117

UNIFORM ACTS

- Foreign-money claims, adoption of uniform act: *HB 1091, CH 153

UNIFORM COMMERCIAL CODE

- "Holder" redefined: HB 1092
- "Money" redefined: HB 1092
- Accord and satisfaction, reservation of rights provision inoperative in regard to: HB 1092
- Articles 1, 3, and 4, revision and update of provisions relating to negotiable instruments and checks: HB 1964
- Bank deposits and collections, revisions to the article on: HB 1579
- Bulk sales, adoption of revised article on bulk sales: HB 1188
- Deposits and collections, revision and update of uniform commercial code provisions relating to: HB 1964
- Dishonored checks, damages amount raised to three hundred dollars or three times face value, whichever is less: *SSB 5494, CH 168
- Dishonored checks, notice of dishonor to contain caution that law enforcement agencies may be provided copy of notice: *SSB 5494, CH 168
- Farm products, security interest, farm products statement filing required: SHB 2086
- Funds transfers, adoption of article regarding: *HB 1095, CH 21 E1
- Leases, article on leases added: HB 1797
- Negotiable instruments and checks, revision and update of uniform commercial code provisions relating to: HB 1964
- Prescriptions, dispensing of prescription product is service not creating any implied warranty under code: SHB 1556, *SSB 5466, CH 189
- Reservation of rights provision inoperative as to accord and satisfaction: HB 1092
- Security interests in real property perfected by recording prior to July 23, 1989: *SB 5077, CH 188

UNIFORM DISCIPLINARY ACT

Nontraditional method of treatment, not of itself to constitute unprofessional conduct: *SHB 1960, CH 332
 Scope of practice redefined: *SHB 1960, CH 332

UNION BAY

Wildlife habitat management area established: SHB 1448

UNIVERSITY OF WASHINGTON

Aquatic animal health and disease training program, duties: HB 1322
 Coastal resources program created in cooperation with Grays Harbor College, program goals and requirements: HB 2047
 Construction, appropriation for minor repairs and improvements: HB 1178
 Drug exposed infants, establishment of standards for conducting assessments to determine exposure: SSB 5193
 Enrollment, state-funded enrollment level increased: HB 1319, SSB 5174
 Evening degree program enrollment level increased: HB 1549
 Giovanni Costigan endowed teaching chair established: HB 1305
 Medical school admission preference for students from rural areas who agree to serve five years as physician in rural areas: *SHB 1960, CH 332
 Olympic natural resources center created, organization, administration, and duties: *SHB 1877, CH 316
 Olympic natural resources center to study at risk coastal resources: SHB 2047
 Public health and community medicine school, interim report on basic health plan: HB 1161
 Regents, two student members to be appointed to the board of regents: HB 1218
 School of medicine, administration of state forensic pathology fellowship program: *HB 1032, CH 176
 Van pools, Washington state transportation center study and recommendations: SB 5564
 Washington family policy center established, duties: HB 1420

UTILITIES

Electrical and gas companies, consumer least-cost plan to be company's most profitable course of conduct: HB 2060
 Electrical and gas company energy conservation tariff filings, requirements: HB 2060
 Electrical and heat service assistance programs for low-income persons continued: *HB 2059, CH 165
 Electrical utilities and contractors exempted from licensing requirements, conditions and limitations: HB 2053
 Energy conservation projects, state energy office to consult and offer participation to local utilities: *SSB 5245, CH 201

- Island inhabitants, provisions to protect from loss of electricity during storms: HB 1650
- Minority and women-owned businesses, procurement contracts, increased opportunity: HB 1738
- Municipal utilities authorized to reimburse city for management services: *HB 1040, CH 152
- Plats, designation of availability of utilities on recorded plats: SSB 5062
- Street utilities, adjusting provisions: *SHB 1274, CH 141
- Transmission lines and magnetic fields, interim policy: HB 1547
- Water companies, conservation considered as factor in rate setting: *SHB 2026, CH 347
- Weatherization of low-income homes, electric, oil, and gas companies to submit weatherization plans and updates to year 2001: HB 2060

UTILITIES AND TRANSPORTATION COMMISSION

- Caller, location, or number identification service, privacy act does not apply to commission approved services: *HB 1489, CH 312
- Common carriers, limits on liability for damage or loss of baggage: HB 1272, *SB 5219, CH 21
- Complaints against commission regulated water companies, revisions: HB 1325, *SSB 5260, CH 100
- Drinking water quality, investigation of consumer complaints, duties: *SSB 5045, CH 134
- Electrical and gas companies, consumer least-cost plan to be company's most profitable course of conduct, rulemaking duties: HB 2060
- Electrical and gas company energy conservation tariff filings, requirements: HB 2060
- Emergency adjudications, authority to designate persons to preside and enter final orders: HB 1494, *SB 5391, CH 48
- Energy conservation tariff, electrical and gas companies: SHB 1335
- Low-income residence weatherization programs required to include all energy efficiency measures in public interest: SHB 1335
- Low-level radioactive waste sites, disposal rate setting: SHB 2031, *SSB 5756, CH 272
- Minority and women-owned businesses, utilities procurement contracts, duties: HB 1738
- Motor carriers to submit copies of contracts with permit applications: HB 1273, *SB 5221, CH 41
- Motor vehicles transporting packages twenty-five pounds or less, permit procedure: HB 1529
- Natural gas, motor vehicle refueling stations development policies: *SHB 1028, CH 199
- Public service companies, ratemaking: *SSB 5770, CH 122
- Railroad crossing inspection fees: HB 1271, *SB 5220, CH 46
- Railroads, repeal of commission authority to regulate under chapter 81.34 RCW: HB 1577, *SB 5434, CH 49

- Recovered materials, commercial transport, commission permit required:
HB 1519, *SB 5367, CH 148
- Recycling, competitive bids, revised provisions: HB 1947
- Resident freight brokers and forwarders to be bonded and registered: *SHB
2005, CH 146
- Solid waste rate regulation, counties may delegate to commission: HB
2099
- Steamboat operators, regulation revisions: HB 1819
- Water companies, audits of nonmunicipal systems, revisions: HB 1325,
*SSB 5260, CH 100
- Water companies, commission jurisdiction over rates, charges, and
practices: *HB 1581, CH 101
- Water companies, conservation, factor in rate setting: *SHB 2026, CH 347
- Water companies, reserve account for safety improvements: *SSB 5762,
CH 150
- Water systems, burden of proof on system to demonstrate that it is exempt
from commission regulation: *HB 1581, CH 101
- Weatherization of low-income homes, weatherization plans and updates:
HB 2060

VESSELS (See BOATS, COMMERCIAL VESSELS AND SHIPPING)

VETERANS

- American Veterans Memorial Highway, Washington portion of Interstate
90 renamed: *SSB 5288, CH 56
- Assistance fund, allowable tax levy rate increased: HB 1107
- Burial benefits for indigent veterans increased: HB 2117
- Charitable solicitations for programs, false or deceptive activities
prohibited: SHB 1530
- Counseling services for Persian Gulf veterans and families: *SHB 2095,
CH 55
- Definition as "veteran" for purposes of receiving benefits, revised criteria:
*SB 5477, CH 240
- Disability pensions or compensation for military service disability may be
considered in calculating child support obligation: HB 1309
- Merchant marine service included in definition of veteran: HB 1104, *SB
5477, CH 240
- Middle east veterans affairs office, advisory council, created: SHB 1530,
HB 2164
- Persian Gulf veterans authorized to attend any state institution of higher
education at 1990 tuition rates: HB 1674, *SB 5475, CH 228
- Public employees' retirement system, "veteran" redefined for purposes of
military service credit: HB 1396
- Purple heart recipient recognition day established: *SB 5718, CH 20 E1
- Submarine veterans of World War II, representation on the veterans'
affairs advisory committee: SB 5243

- Vietnam veterans, counseling services for post traumatic stress disorder: *SHB 2095, CH 55
- Vietnam veterans, tuition and fees at state colleges set at rate paid by veterans on October 1, 1977, enrollment period extended: HB 2092
- War-related stress disorders, educational, informational, and referral services to be provided by department of veterans affairs: *SHB 2095, CH 55
- Women's Air Forces Service Pilots, members included in definition of "veteran" for purposes of receiving benefits: *SB 5477, CH 240

VETERANS AFFAIRS, DEPARTMENT OF

- Charitable solicitations for veterans' programs, investigation and prohibition authority: SHB 1530
- Counseling services for Persian Gulf veterans and families: *SHB 2095, CH 55
- Middle East veterans affairs office, advisory council, created: SHB 1530, HB 2164
- Retirement, early retirement for eligible employees: HB 1077
- Vietnam veterans, counseling services for post traumatic stress disorder: *SHB 2095, CH 55
- War-related stress disorders, educational, informational, and referral services to be provided by department: *SHB 2095, CH 55

VETERINARIANS

- Animal technicians, revised licensing provisions: *SHB 1960, CH 332
- Legend drugs, authority to dispense drugs prescribed by another veterinarian: SHB 1237, *SSB 5381, CH 47
- Specialized veterinary medicine licensure authorized: *SHB 1960, CH 332

VICTIMS OF CRIMES

- Adult entertainment tax imposed, revenues to victims of crimes: SB 5845
- Domestic violence victims, revised eligibility standards, counseling services: HB 1741, *SHB 1884, CH 301
- HIV testing of accused criminal offender, right to request HIV testing of the accused, procedures: SHB 1343, SSB 5086
- Homicide victims, counseling benefits for families: HB 2034
- Inmate wages, twenty percent of wages of inmate convicted of criminal act resulting in injury to another to go to victim's compensation fund: HB 1982
- Mediation program for victims and offenders, exceptions: HB 2130
- Testimony of inmates, money received to victims compensation account: *SB 5111, CH 133

VIDEO DISPLAY TERMINALS

- Employers to use safeguards and practices to enhance employee health and safety: HB 1680

VIDEO GAMES

Video card games run by nonprofit organizations authorized, conditions and taxation: SHB 1652

VITAL RECORDS

Center for health statistics created in department of health as sole vital statistics system for state, records to be maintained and procedures to be followed: HB 2056, *SHB 2056, CH 96

Heirloom birth certificate program, distribution of receipts to council for prevention of child abuse and scholarships and loans for midwives: SHB 2084

VITAL STATISTICS

Minimum requirements for certificates and documents maintained by state registrar: *SHB 2056, CH 96

VOCATIONAL EDUCATION

Academic and vocational integration, task force, duties: HB 1764

Adult education, advisory council, duties: SHB 1039, *SSB 5184, CH 238

Agricultural education, emphasis on environmentally sound practices: HB 1303, 2SSB 5181, 2SSB 5919

Bringing education home act: 2SSB 5919

Community and technical college act of 1991: SHB 1039, *SSB 5184, CH 238

Course equivalencies, admission to four-year colleges and universities: 2SSB 5181, 2SSB 5919

Curriculum, model curriculum integrating vocational and academic education at the secondary level: *SSB 5184, CH 238

Funding formula, student/teacher ratio made an element: 2SSB 5181

Job training coordinating council created, duties: SHB 1039, *SSB 5184, CH 238

Local advisory committees established by institutions receiving state fund for vocational programs, duties: 2SSB 5919

Local planning including equipment purchases: 2SSB 5181

Master's degree equivalency standards for instructors: HB 2190

Persian gulf, refund of or credit toward new enrollment for students deployed because of the Gulf war: *SHB 2027, CH 164

Seattle Vocational Institute, successor to Washington Institute of Applied Technology, transfer of powers: *SSB 5184, CH 238

Staff to student ratio established for high schools: HB 1937

State board for vocational education abolished: SHB 1039, *SSB 5184, CH 238

State vocational education center established by superintendent of public instruction: HB 1937

Teacher recruitment and training provisions: 2SSB 5181

* - Passed Legislature; E1 - 1st Special Session

- Tuition waivers, vocational-technical institutes, dislocated timber workers:
*SSB 5555, CH 315
- Voc Ed Works 2000 program: 2SSB 5181, 2SSB 5919
- Vocational education cooperatives encouraged as demonstration projects,
grant award program: HB 1937
- Vocational education council created, duties: SHB 1039, *SSB 5184, CH
238
- Vocational education task force, state vocational education center: HB 1937
- Vocational-technical institutes, transfer of functions to college district: SHB
1039, *SSB 5184, CH 238
- Work force training and education coordinating board created, membership,
powers, and duties: HB 1039, *SSB 5184, CH 238

VOLUNTEERS

- Center for voluntary action, "serve Washington" pilot program created,
duties: HB 1148
- Center for voluntary action, support for citizen service programs, activities
and duties: HB 1147
- Community outreach health programs, pilot local programs using
volunteers: SSB 5650
- Council on voluntary action, support for citizen service programs, duties:
HB 1147
- Landowner liability limited when allowing access for fish or wildlife
cooperative project or litter cleanup: *SB 5015, CH 69
- Rehabilitation of criminal offender, use of criminal history background
check to determine status of prospective volunteer: HB 2055
- Schools, directory of volunteer programs and business on civic club
partnerships, compilation: HB 1417

VOTING

- Absentee ballot, ongoing absentee status may include any qualified
applicant: HB 1509
- Absentee ballots, voting procedures: *HB 1072, CH 81
- Absentee voter records, address disclosure of actual or threatened victim
of domestic violence prohibited, conditions: HB 1511, HB 2156
- Absentee voting, establishment of satellite offices for absentee voting
authorized: HB 1697
- Address verification, revised procedures: HB 1554
- Mail voter registration: HB 1310
- Mail voting, nonpartisan special election may be conducted by mail in
precincts with less than two hundred voters, conditions: SHB 1501
- Recount of ballots, revised procedures: *SHB 1571, CH 90
- Recount to be done by hand of returns when difference is less than
one-fourth of one percent: *SHB 1571, CH 90
- Voter registration allowed until fifteen days before election: HB 1099, HB
1217

Voter registration records and procedures: *HB 1072, CH 81
 Voter registration, high school student registration: HB 1073
 Voters' pamphlet arguments, county auditor to appoint committees to
 prepare local pamphlet arguments: HB 1594

WAGES AND HOURS (See also MINIMUM WAGE)

Child care wage enhancement grant program established: HB 1566
 Child labor laws, enforcement, penalties: HB 1288
 Minimum wage, enforcement of wage and hour standards: SHB 1471
 Overtime pay, employees may voluntarily agree to work more than
 eight-hour day or forty-hour week: SHB 1475
 Overtime, enforcement of wage and hour standards: SHB 1471
 Prevailing wage law, compliance required on projects performed through
 a public contract: SHB 1245
 Prevailing wage law, failure to comply, liability of state or local agency:
 HB 1246
 Prevailing wage, certification of payment to workers on public works
 projects required: HB 1383
 Prevailing wage, small public works projects, alternative administrative
 procedure: *SSB 5383, CH 15
 Wage payment laws, civil penalties for violations: HB 1289

WARRANTIES

Electronic equipment warranties, requirements: SHB 1399

WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

Abolished and renamed Seattle Vocational Institute, powers, duties, and
 functions transferred: *SSB 5184, CH 238

WASHINGTON STATE UNIVERSITY

Aquatic animal health and disease training program, duties: HB 1322
 Aquatic animal health diagnostic and extension laboratory and certification
 service: HB 1322
 Building account, transfer of funds: *SHB 1058, CH 13 E1
 Center for sustaining agriculture and natural resources established, activities
 and duties: *SHB 1426, CH 341
 Construction, appropriation for minor repairs and improvements: HB 1178
 Enrollment level increased: HB 1319, HB 1549, SSB 5174
 Environmental and molecular sciences center established at Tri-Cities
 branch: *SHB 1196, CH 156
 Food and environment quality laboratory established, duties: *SHB 1426,
 CH 341
 Regents, two student members to be appointed to the board of regents: HB
 1218
 Vocational agriculture education institute to provide in-service training for
 vocational agriculture instructors, duties: HB 1303

WASTE (See also HAZARDOUS WASTE, INFECTIOUS WASTE AND SOLID WASTE)

Packaging materials, target recycling rate achievement, strategies: HB 1826

WASTEWATER

Effluent water processing and commercial use, tax exemptions: *SHB 2026, CH 347

Municipal water discharge fees, revised provisions: *SHB 1649, CH 307

Net pen waste disposal permits not required for pens producing less than twenty thousand pounds of fin fish annually: SSB 5269

Pulp mills, issuance of permits for discharge of chlorinated organic compounds prohibited until federal government issues final guidelines: 2SSB 5724

Water discharge fees, limitations on increases in fees for permits issued by department of ecology: 2SSB 5534

WATER

Aquifer protection areas: *SHB 1019, CH 151

Building permit issuance conditioned on proof of adequate water supply, state and local governments exemptions: *SHB 1025, CH 32 E1

Conservation and efficiency, comprehensive state water resources management policy: *SHB 2026, CH 347

Conservation performance standards, plumbing fixture standards, testing and identification requirements: *SHB 2026, CH 347

Counties, water resources utilities, functions of utility: HB 1970

Drinking water quality, consumer complaints: *SSB 5045, CH 134

Hydraulic projects permits, fees: SHB 1855

Interagency committee for water resource funding created: HB 1767

Irrigation equipment, tax exemptions, water conserving equipment: *SHB 2026, CH 347

Management, areas without significant water resource problems designation: SSB 5765

Permits established by department of ecology, fee increases limited: HB 1973

Public water systems, operating permit requirements: *SHB 1709, CH 304

Public water systems, operator certification and registration requirements: *SHB 1710, CH 305, SSB 5552

Resources management, comprehensive policy, conservation: *SHB 2026, CH 347

Water resource policy, joint select committee, revisions: SSB 5716, *HB 2021, CH 273

Water resources program, administrative fees, penalties: SHB 1851

WATER COMPANIES

- Complaints against utilities and transportation commission regulated utilities, revised provisions: HB 1325, *SSB 5260, CH 100
- Drinking water quality, consumer complaints, utilities and transportation commission: *SSB 5045, CH 134
- Nonmunicipal systems, audits by utilities and transportation commission, revised provisions: HB 1325, *SSB 5260, CH 100
- Removal from regulation by utilities and transportation commission, commission approval required: HB 1325, *SSB 5260, CH 100
- Safety improvements required by department of ecology, reserve account authorized: *SSB 5762, CH 150
- Utilities and transportation commission jurisdiction over rates, charges, and practices: *HB 1581, CH 101
- Utilities and transportation commission, burden of proof on system to demonstrate that it is exempt from regulation: *HB 1581, CH 101

WATER DISTRICTS

- Charges for water used on intermittent or transient basis, district may charge for providing service: *SHB 1031, CH 82
- Conservation plans and emergency water use restrictions, authority to adopt and enforce: *SHB 1031, CH 82
- Deposit of funds received: HB 1031
- Fluoride, voter approval for adding fluoride to water supply: HB 2045
- Insurance, authority to provide to employees: *SHB 1031, CH 82
- Parks or recreational facilities, authority to operate on real property owned by district: *SHB 1031, CH 82
- Rates and charges for the use and availability of water, revisions: HB 2054
- Security deposit may be required in lieu of a bond on leased real property owned by the district: *SHB 1031, CH 82
- Service lien, acquisition of title to property subject to, order of discharge of liens: HB 1031
- Sewer connection to water district sewer without permission from district prohibited, penalties: HB 1379, *SB 5512, CH 190
- Water conservation, achievement of goals and avoidance of wasteful practices, consideration in rate setting: *SHB 2026, CH 347

WATER QUALITY

- Account, interest to be included in aggregate revenues for determining account transfers: HB 2038
- Interagency committee for water resource funding created: HB 1767
- Municipal water discharge fees, revised provisions: *SHB 1649, CH 307
- Paper mill waste, department of ecology study: HB 2029
- Pulp mills, issuance of permits for discharge of chlorinated organic compounds prohibited until federal government issues final guidelines: 2SSB 5724

Water discharge fees, limitations on increases in fees for permits issued by department of ecology: 2SSB 5534

WATER RIGHTS

Claims with priority date prior to June 6, 1917, filing with department of ecology, procedure: SHB 1582, SB 5389

Irrigation districts, no relinquishment of right to occur for nonuse when right is claimed by district for benefit of lands within district: *SHB 2026, CH 347

Notification of department of ecology of change in ownership of water right: *SHB 2026, CH 347

Seasonal use right change to yearly use right, transfer criteria: SSB 5807

Trust water rights, acquisition and management by department of ecology: *SHB 2026, CH 347

Water system interties allowed, approval requirements, department of health and department of ecology duties: *2SSB 5358, CH 350

WEEDS

Freshwater aquatic weeds control, coordinated lake management: *SHB 1389, CH 302

WEIGHTS AND MEASURES

Revision of statutes: *SHB 1856, CH 23 E1

Study by department of agriculture of weights and measures program necessary to protect consumers and business: *SHB 1856, CH 23 E1

WELLS

Water well construction, revised regulatory provisions: HB 1453

WESTERN WASHINGTON UNIVERSITY

Alternative fuel and solar powered vehicles research and development authorized: HB 1754; *SHB 1028, CH 199

Construction, appropriation for minor repairs and improvements: HB 1178

Enrollment level increased: HB 1319, HB 1549, SSB 5174

Honorary degrees, authority to award, conditions: *HB 1143, CH 58

WETLANDS

Current use valuation, "wetland lands" classification created: HB 1817

WHISTLEBLOWERS

Protection for, revised provisions: SSB 5121

Retaliatory actions by employer against employee who makes good faith report of potential wrongdoing prohibited, remedies: HB 2068

WILDLIFE

- Capital project bonds, moneys in state wildlife fund may be used for payment of principal and interest: *SHB 1430, CH 31 E1
- Fish mitigation requirements, plan to meet propagation and protection requirements: *SHB 1416, CH 253
- Natural resources enforcement, study with department of fisheries: SHB 1010
- Nonconsumptive wildlife area funding, two percent tax on retail sale of outdoor equipment: SHB 1250
- Union Bay wildlife habitat management area established: SHB 1448
- Wildlife area pass system: HB 1250

WILDLIFE COMMISSION

- Hunting and fishing fees, recommendations for changing rates for consumptive programs: SSB 5130
- Pheasant hunting enforcement punchcard for western Washington, rule: 2SSB 5753
- Wildlife area pass system, duties: HB 1250

WILDLIFE, DEPARTMENT OF

- Assault on wildlife agent in line of duty, revocation of licenses and privileges: HB 1943, *HB 2163, CH 211
- Consumptive and nonconsumptive programs, expenditures to be segregated, legislative budget committee duties: SSB 5130
- Disabled persons, plan to comply with Americans with Disabilities Act of 1990: SHB 1250
- Fishing license, seventy-year-old residents' eligibility for free license removed: SHB 1850
- Flood control improvements repair, emergency hydraulic permit issuance: SHB 1490
- Funding, authority to solicit gifts, grants, conveyances, bequests, and devises to carry out department purposes: SHB 1250
- Game fish mitigation program, purchase of game fish from aquatic farmers for stocking purposes: SSB 5343, *SHB 1416, CH 253
- Hunting and fishing license fees increased: SHB 1850
- Hunting dog training, workout, field trial, and show area, duties: HB 1798
- Hydraulic projects permits, fees: SHB 1855
- Indian fishing and hunting rights outside reservation, limit on power of department to grant: HB 1168
- Lake management district assessments subject to same rates imposed on privately owned lake front property: SHB 1368
- Lands held by department for wildlife habitat and recreation considered open space land: HB 1370
- License or permit is not fee for purposes of section limiting liability of owner permitting recreational use of land: HB 1369, *SB 5630, CH 50

License plates, additional fees from personalized license plates to be used for the nonconsumptive management of wildlife resources: SHB 1250
 Local improvement district assessments of department lands may not exceed lowest private property rates: HB 1368
 Natural resources enforcement office, consolidation of enforcement responsibilities, evaluation duties: HB 1010
 Nonconsumptive wildlife area funding, task force: SHB 1250
 Purchase or exchange of tax-paying parcel of land, requirement that county receive property of equal or greater tax value: HB 1967
 Salmon and steelhead, department to pursue authority to lethally remove nonendangered marine mammals preying on: SSB 5666
 Scatter Creek wildlife area, recreational use maintenance and enhancement, planning duties: SHB 2131
 Taxes in lieu of property taxes on department owned property, in lieu tax provisions repealed: HB 1779
 Union Bay wildlife habitat management area, responsibilities: SHB 1448
 Upland game bird populations and habitat restoration, study: 2SSB 5753
 Western Washington upland game bird permits, fees: 2SSB 5753
 Wildlife areas pass system, duties: HB 1250

WILLS

Disclaimed interests, determining passage of disclaimed interest: *HB 1063, CH 7
 Subdivision of property by testamentary means prohibited if otherwise unlawful: HB 1449

WIRETAPPING

Pen registers, use authorized, conditions: HB 1351, SSB 5126
 Trap and trace devices, use authorized, conditions: HB 1351, SSB 5126

WITNESSES

Drug offenders, notice of escape or release of serious drug offender: *SSB 5128, CH 147
 Witnesses in course of official duties, industrial insurance: HB 1332
 Workers' compensation, excluded from definition of worker: SSB 5070

WOOD BURNING STOVES

Emission reduction program, woodstoves and fireplaces: *SHB 1028, CH 199
 Exemption from restrictions for persons over sixty-two when used for heating: SSB 5891

WOOD PRODUCTS INDUSTRY (See also TIMBER AND TIMBER INDUSTRIES)

Timber workers, counter-cyclical program for dislocated workers, employment and counseling opportunities: HB 1600, *SSB 5555, CH 315

WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

Created, powers and duties: SHB 1039, *SSB 5184, CH 238

WORKERS' COMPENSATION

Chiropractic services, inclusion among services provided: HB 1627

Covered employment, exclusions modified: SHB 1353

Damages, actions for damages by injured workers against contractors with joint supervision and control of premises prohibited: SSB 5858

Death benefits, calculation and payment procedures: HB 1281

Definitions of terms revised: SHB 1353

Disability claims, self-insured employers, authority to close claims after July 1990: HB 1565, SB 5345

Disability compensation, calculation for deferred disability: HB 1381

Disability compensation, calculation for permanent and temporary disabilities: HB 1281

Disability compensation, payments increased for permanent partial disabilities: HB 1280

Disability compensation, reduction for social security benefits, reimbursement of attorney fees for establishing claim: SHB 1466

Discharged worker, employer eligible for expedited preliminary review, procedures: HB 2162

Employers entering or resuming operation after final adjustment of payroll, requirements: *HB 1206, CH 88

Exclusions from coverage, revised provisions: *SSB 5837, CH 246

Federal employees' compensation act, exclusion from coverage of persons covered by federal act: *HB 1206, CH 88

Federal targeted jobs tax credit program: HB 2134

Industrial appeals judges code of ethics: HB 1238

Industrial insurance labor-management cooperation program established, duties: *SSB 5374, CH 172

Industrial insurance premiums, contractor avoidance, study: *HB 1244, CH 34

Jockeys, workers' compensation coverage extended: SHB 1952

Juror in transit to or from jury duty not acting in course of employment: SSB 5070

Jurors and witnesses injured in course of official duties not covered by industrial insurance: HB 1332

Law enforcement officers and fire fighters, heart disease and cancer presumed to be occupational diseases: HB 1497

Medical examinations, payment for time lost while attending: HB 1285

Overpayments, collection procedures: *HB 1206, CH 88

- Permanent total disability benefits, calculation: HB 1281
 Premium liability of workers removed: HB 1733
 Reopened claims, computation of payments: SHB 1282
 Self-insured employers, annuities purchase authorized: SSB 5342
 Self-insured employers, claims reopening for aggravation of disability: SSB 5329
 Self-insured employers, disability claims, authority to close after July 1990: HB 1565, SB 5345
 Self-insurers, allowance or denial of a claim must be requested within sixty days: SHB 1463
 Self-insurers, appeal of decision by worker or employee, payment of attorneys' fees and litigation costs: SHB 1463
 Self-insurers, change of status to continue operations under industrial insurance laws, requirements: *HB 1206, CH 88
 Self-insurers, copy of employee's claim file must be provided upon request of employee: SHB 1463
 Self-insurers, provisions allowing repealed: HB 1920
 State employees, temporary total disability, dates for which compensation will be received: HB 1043
 Surviving spouse, option to choose lump sum payment equal to two years of monthly payments: *HB 1206, CH 88
 Tax arrearages, notice and order to withhold procedures modified: HB 1354
 Temporarily disabled worker, benefits maintenance for: HB 1283
 Temporary total disability benefits, calculation: HB 1281
 Unemployment compensation, individual disqualified from unemployment compensation when receiving or due to receive workers' compensation: *HB 1339, CH 117
 Unlawful practices, civil penalties: SHB 1464
 Vocational rehabilitation counselors, selection criteria: HB 1160
 Vocational rehabilitation services, retraining period, job placement services: HB 1465
 Witnesses and jurors injured in course of official duties not covered by industrial insurance: HB 1332
 Witnesses excluded from definition of worker: SSB 5070

YAKIMA

- Urban schools grant program created, eligibility to apply: 2SSB 5919

YAKIMA COUNTY

- Criminal justice enhancement, appropriation: HB 1360
 Industrial growth management demonstration pilot project: SHB 1998

ZONING

- Community councils, formation in unincorporated areas: HB 1009

- Inverse condemnation resulting from land use planning, zoning, or other regulatory program, statutory basis: SHB 1162
- Moratoria or interim zoning, state standards established to minimize impacts and avoid litigations: HB 2051, SSB 5727
- Oil transmission lines to conform to local zoning and environment codes: SHB 1251
- School siting decisions, authority for state board of education to review denial of permit to build on proposed site: SB 5364
- Schools, portable classrooms and facilities, emergency siting in violation of zoning laws authorized when overcrowding exists: HB 1996
- Second-family residential units on existing single-family lots, variance to allow, conditions: SSB 5810

